

SONIA SHAUN OWEN
UNITED STATES vs STATE OF GEORGIA

December 12, 2022

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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

United States of America,

No.

1:16-CV-03088-ELR

Plaintiff,

vs.

State of Georgia,

Defendant.

~~~~~

VIDEOTAPED ZOOM DEPOSITION OF

SONIA SHAUN OWEN

December 12, 2022

9:06 a.m.

Atlanta, Georgia

Marcella Daughtry, RPR, RMR  
Georgia License No. 6595-1471-3597-5424  
California CSR No. 14315

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Also Present:

Sandra LeVert  
Patrick Murphy, videographer  
Stacey Suber-Drake  
Chantel Mullen

\*\*\* ALL PARTICIPANTS APPEARED REMOTELY \*\*\*

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1 THE VIDEOGRAPHER: We are now on the record.  
2 Today is Monday, December 12th, 2022, and the time is  
3 9:06 a.m. Eastern Time. This begins the videoconference  
4 deposition of Shaun Owen taken in the matter of United  
5 States of America versus State of Georgia, Case Number  
6 1:16-cv-03088-ELR, pending in the US District Court for  
7 the Northern District of Georgia, Atlanta Division.

8 My name is Patrick Murphy. I am the remote  
9 videographer today. Our remote court reporter is Marcie  
10 Daughtry, and we are both representing Esquire Deposition  
11 Solutions.

12 If counsel could please introduce themselves  
13 for the record, and then our court reporter will swear in  
14 the witness.

15 MS. HAMILTON: Andrea Hamilton for the United  
16 States.

17 MS. JOHNSON: Melanie Johnson for the State of  
18 Georgia.

19  
20 SONIA SHAUN OWEN,  
21 called as a witness herein, having been first duly sworn  
22 by the shorthand reporter to speak the truth and nothing  
23 but the truth, was examined and testified as follows:

24 >>>

25 >>>

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EXAMINATION

BY MS. HAMILTON:

Q Good morning, Ms. Owen. We'll get started with your deposition. Again, how are you doing today?

A I'm fine. How are you?

Q I'm doing very well. Thank you very much.

My name is Andrea Hamilton, and I represent the United States. I will be taking your deposition today.

Would you please state your full name for the record.

A Sonia Shaun Owen.

Q I will be asking you a series of questions, and you are under oath to provide complete and honest answers to those questions. Do you understand?

A Yes.

Q If you do not understand a question that I ask, you should feel free to let me know, and I will try to rephrase or repeat the question. Okay?

A Okay.

Q If you are not sure of an answer or don't have a complete answer, you also must still answer the question to the extent that you can. Okay?

A Okay.

Q If you need a break at any point during the deposition, please tell me or your attorney. We will let

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1 you finish your answer, if you are in the midst of  
2 answering your question, and then discuss when or if to  
3 break. Also, we typically break probably every 90  
4 minutes or so, and we will also take a lunch break  
5 halfway through the deposition; but if you need a break  
6 outside of those times, don't hesitate to let me or your  
7 attorney know.

8 Does that make sense?

9 A Yes.

10 Q We are taking your deposition virtually via  
11 Zoom today, and as you can see, the court reporter is  
12 recording all that we are saying here. Because she can  
13 only record our words, please be sure to speak clearly  
14 and answer every question with a verbal response.

15 Do you understand?

16 A Yes.

17 Q Also, I want us to avoid talking over each  
18 other to the extent possible. I will try not to  
19 interrupt you when you are answering my questions, and  
20 likewise, I ask that you do your best to let me finish my  
21 questions before starting to answer. Okay?

22 A Okay.

23 Q Is there any reason that you can think of that  
24 you will not be able to answer my questions fully and  
25 truthfully today?

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1 A No.

2 MS. HAMILTON: And I just want to note on the  
3 record that the United States and the State of Georgia  
4 have agreed that all objections except as to form and  
5 privilege will be reserved until trial.

6 MS. JOHNSON: Agreed.

7 Q BY MS. HAMILTON: The exhibits for today's  
8 deposition will be shared electronically, and I am going  
9 to ask the court reporter to mark this first document  
10 that I'm about to share on the screen as Plaintiff's  
11 Exhibit 695.

12 (Plaintiff's Exhibit 695 was marked for  
13 identification.)

14 Q BY MS. HAMILTON: Ms. Owen, will you let me  
15 know when you see a document that's on the screen?

16 A I can see it.

17 Q Okay. Great. So I am now showing you  
18 Plaintiff's Exhibit 695. You can take a moment. I'm  
19 going to give you control. You can practice. Again, I  
20 will give you control of the document, and I will give  
21 you a moment to review it. Let me know when you are  
22 finished.

23 A Okay.

24 Q All right. So this is a notice to testify at a  
25 deposition in a civil action. The deposition notice is



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1 directed to Shaun Owen; is that correct?

2 A Correct.

3 Q And is that you?

4 A Yes.

5 Q Have you seen this document before today?

6 A Yes.

7 Q Who showed the document to you?

8 A It was sent by our attorneys.

9 Q Okay. And who are your attorney or attorneys  
10 today?

11 A Melanie Johnson, Anna Edmondson, and then our  
12 attorney for the Department of Education, Stacey  
13 Suber-Drake.

14 Q Okay. And are you here today on account of  
15 this deposition notice?

16 A Yes.

17 Q The top of this document has the case name  
18 United States of America versus State of Georgia. Do you  
19 see that?

20 A Yes.

21 Q Do you understand that this deposition is being  
22 taken in connection with litigation against the State of  
23 Georgia relating to the Georgia Network for Educational  
24 and Therapeutic Support Program?

25 A Correct. Yes.

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1 Q Are you aware that this program is commonly  
2 referred to as the "GNETS program"?

3 A Yes.

4 Q So if I use the term "GNETS," do you understand  
5 that I am referring to the Georgia Network for  
6 Educational and Therapeutic Support Program?

7 A Yes.

8 Q When did you first learn about the GNETS  
9 litigation?

10 A I believe shortly after I took on the role as  
11 deputy superintendent back in February or March of 2020.

12 Q What is your understanding of what this case is  
13 about?

14 A It is about equal access and least restrictive  
15 environment for -- for students with social, emotional  
16 and behavioral challenges being integrated more into the  
17 general ed setting and having equal access to resources  
18 and supports.

19 Q I am going to ask you a few questions about  
20 your preparation for this deposition. Please note that I  
21 am not asking you to reveal the substance of any  
22 communications that you had with your attorneys.

23 Generally, what did you do to prepare for this  
24 deposition?

25 A I looked over the resources that we have

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1 available on the GNETS website, and I reviewed my resume,  
2 and I read back over some of the board rules and some of  
3 the other documents that we have listed on the website.

4 Q And when you said you looked at some of the  
5 resources and documents on the website, what are those --  
6 what were those documents and resources?

7 A The board rule, the strategic plan, the listing  
8 of the GNETS site, the FAQ.

9 Q Were there any other documents that you  
10 reviewed?

11 A Not that I can recall at this time.

12 Q Did you bring any of those documents with you  
13 to today's deposition?

14 A No.

15 Q In preparation for the deposition, did you meet  
16 with counsel?

17 A Yes.

18 Q Okay. Without going into the substance of what  
19 you discussed, who was present during the meeting?

20 A Stacey Suber-Drake and Melanie Johnson, and  
21 then at a different time, Anna Edmondson.

22 Q Okay. So were there two -- two meetings?

23 A Yes.

24 Q And approximately how long did those meetings  
25 last?

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1 A I believe the one with Anna Edmondson may have  
2 been about 45 minutes, and the one with Anna and Stacey  
3 Suber-Drake I believe was maybe ten minutes.

4 Q Okay. And just to confirm, the one with Stacey  
5 Suber-Drake was also with Melanie Johnson?

6 A Yes.

7 Q Okay. And you said that was ten minutes?

8 A Approximately.

9 Q Okay. Did you speak to anyone else besides the  
10 attorneys in preparation for the deposition?

11 A Not that I can recall.

12 Q Did you do anything else to prepare?

13 A I looked over the 2015/2016 document, I think  
14 that the original document from the DOJ.

15 Q Do you recall if that document was the letter  
16 of findings from the United States?

17 A I believe so.

18 Q Were there any other documents that -- or  
19 anything else that you did to prepare that we haven't  
20 already discussed?

21 A Not that I can recall.

22 Q Have you ever had your deposition taken before?

23 A No.

24 Q All right. Before we get too far into the  
25 deposition, I also wanted to walk through some acronyms

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1 and abbreviations that I may be using today for brevity.  
2 I'll run through a few of those now to make sure we're on  
3 the same page.

4 If I say "Georgia DOE" or the "State DOE," do  
5 you -- will you know that I am referring to the Georgia  
6 Department of Education?

7 A Yes.

8 Q If I say the "State Board" or the "Georgia  
9 Board," will you understand that I am referring to the  
10 State Board of Education?

11 A Yes.

12 Q If I use the acronym "DBHDD," will you  
13 understand that I am referring to the Georgia Department  
14 of Behavioral Health and Developmental Disabilities?

15 A Yes.

16 Q If I say "DCH," do you understand that that is  
17 short for Georgia Department of Community Health?

18 A Yes.

19 Q If I use "LEA," will you understand that I am  
20 referring to local education agency?

21 A Yes.

22 Q If I say "RESA," will you understand that I am  
23 referring to Regional Educational Service Agency?

24 A Yes.

25 Q If I say "GNETS centers," will you understand

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1 that I am referring to the stand-alone GNETS facility  
2 location?

3 A Yes.

4 Q In contrast, if I use the term "GNETS  
5 school-based location," will you understand that I am  
6 referring to the GNETS locations that are based in  
7 general education school settings?

8 A Yes.

9 Q If I say "EBD," will you understand that I am  
10 referring to the disability category of emotional and  
11 behavioral disabilities?

12 A Yes.

13 Q And then finally, if I refer to "general  
14 education settings," will you understand that I am  
15 referring to public schools in Georgia where children  
16 with EBD and other behavioral health conditions are able  
17 to receive instruction and services alongside children  
18 who do not have disabilities?

19 A (No oral response.)

20 Q And I'm sorry, did you say yes?

21 A Yes.

22 Q Okay. There's a slight delay in the sound and  
23 the video. Thank you.

24 A Yes.

25 Q Okay. I'm going to put another document on the

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1 screen, and I would like for the court reporter to mark  
2 this next document as Plaintiff's Exhibit 696.

3 (Plaintiff's Exhibit 696 was marked for  
4 identification.)

5 Q BY MS. HAMILTON: Ms. Owen, I am now showing  
6 you Plaintiff's Exhibit 696. This is a copy of the  
7 resume for you that we received from counsel. I'm going  
8 to give you a moment just to scroll through just to  
9 confirm that this is a document that you are familiar  
10 with.

11 Let me know -- first of all, let me give you  
12 control, and then let me know once you have scrolled  
13 through and you're ready.

14 A I'm sorry. I didn't know if you were waiting  
15 on me or not.

16 Q Okay. Yes, I just wanted confirmation when you  
17 are ready.

18 A I'm sorry. Yes. Yes, I'm ready. Sorry.

19 Q Okay. Fantastic.

20 Do you recognize this document?

21 A Yes.

22 Q Is this an accurate and true version of your  
23 resume currently?

24 A No. This is -- this is not a current resume.  
25 This is, I believe, the last resume that I -- that I have

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1 had, but I have not updated it since taking my role. I  
2 don't typically keep my resume updated.

3 Q That -- that's fine, and that's not a problem.  
4 I just want to make sure we get on the record what has  
5 changed since this was created.

6 So the title of the document that we received  
7 was Shaun Owen resume December 2019. Would you -- would  
8 you say that that is an accurate time frame for when this  
9 resume would have been created?

10 A Not created but updated.

11 Q Okay. And so since that time period, what  
12 additional positions have you held, if any?

13 A So -- so in February or March of 2020, I took  
14 on the role of deputy superintendent of federal programs.

15 Q And do you remember exactly when you took on  
16 the role as deputy superintendent?

17 A It was February or March.

18 Q Okay. But you don't remember a specific day?

19 A I -- I don't, no.

20 Q Okay.

21 A I believe February, because March the pandemic  
22 came about, so...

23 Q Okay. Great. And would it also be accurate to  
24 then conclude that the other positions that state  
25 "present," like 2019 to present or 2016 to present, that



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1 those positions ended?

2 A Yes, that's correct.

3 Q All right. That is helpful. Thank you.

4 I want to start by discussing your educational  
5 background, which I know is also included here in your  
6 resume, as well.

7 My first question for you is, when -- sorry,  
8 where did you obtain your undergraduate degree?

9 A Augusta State University.

10 Q Okay. What year?

11 A 1995.

12 Q And in what field?

13 A Middle grades education, a bachelor of art's  
14 degree.

15 Q Okay. And as we are going through, if there is  
16 anything that's -- that you recall that's inconsistent  
17 with what's on the resume, don't hesitate to let me know.

18 After you obtained your undergraduate degree,  
19 what professional or graduate degrees did you obtain?

20 A A master's in educational leadership from Troy  
21 State and a specialist degree in educational leadership  
22 from Lincoln Memorial.

23 Q Okay. When did you obtain those degrees?

24 A 2002 for the master's. 2003 for the  
25 specialist.

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1 Q And what is the focus of a master degree  
2 program in educational leadership?

3 A It teaches you about going into administration  
4 and leading from the -- leading, what is it, the  
5 principal or district level or state level leadership in  
6 education.

7 Q Okay. What is the difference between the  
8 master degree program in educational leadership and the  
9 specialist degree program in educational leadership?

10 A They just -- they build off one another, so the  
11 specialist degree is an additional -- typically, it's an  
12 additional two years, depending on the program that  
13 you're in, but it just builds on the master's degree.

14 Q Do you have any other professional or graduate  
15 degrees?

16 A No.

17 Q Do you have any professional licenses or  
18 certificates in the area of education generally?

19 A I'm sorry, could you repeat that?

20 Q Sure. Do you have any professional licenses or  
21 certificates in education generally?

22 A Licenses or certificates, what -- what do you  
23 mean exactly?

24 Q Just as an educator or just being in the  
25 education field, are there any like non-degrees but

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1 licenses, like teaching licenses or --

2 A Oh.

3 Q -- certificates?

4 A Okay. No, I mean, there is a number of courses  
5 that I have taken or classes, training, professional  
6 learning, but they're usually not certificates, no.

7 Q Or any licenses or certificates that are  
8 recognized by the State Department of Education?

9 A Yes, I have a -- I think it's a T4 for the  
10 bachelor's. It's been a while. And a L4 and a L6, I  
11 believe, are the -- the -- what you hold for your  
12 license.

13 Q Okay. And can you speak a little bit more  
14 about what a P -- what the -- I think you said P4, L4 and  
15 L6, what each of those stand for?

16 A T, yeah, sorry. It's the -- the level of the  
17 degree, so -- and it's been a -- it's been a number of  
18 years, but your bachelor's degree you have to pass a GACE  
19 in whatever, so that's a -- a test that Georgia has for  
20 licensing teachers, so you have to pass that particular  
21 GACE for whatever it is that you are trying to get a  
22 license or certificate in. And the same is true for your  
23 leadership degrees, and the L just stands for leadership  
24 and the -- the level.

25 Q Okay. So just to clarify, are each of those

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1 designations associated with a degree that you've  
2 received?

3 A Yes.

4 Q Okay. And so the T4 is associated with your  
5 bachelor's degree, the L4 with the master's, and the L6  
6 with your specialist degree?

7 A Well, it's -- so it's the degree plus passing  
8 the -- the test, the state test that goes along with  
9 that.

10 Q Okay. So thank you for clarifying that.

11 Do you have any professional or graduate  
12 degrees in the area of special education?

13 A Degrees, no.

14 Q Yes. Do you have any licenses or certificates  
15 in the area of special education?

16 A No. That would be the -- the same. No.

17 Q Do you have any other credentials in the area  
18 of special education?

19 A Credentials, no.

20 Q Do you have any formal training in working with  
21 students with disabilities?

22 A I do have -- I -- yes. I'm trying to think  
23 through the last number of years. So I have always  
24 worked closely with special education teachers, and I  
25 have always had students with disabilities in my

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1 classrooms, and I have worked with, at the state level,  
2 the GAA assessment and the curricular part of special  
3 education for accommodations for some of the work that --  
4 that they've done.

5 Q Okay. So it sounds like you've had experience  
6 working with students with disabilities and with teachers  
7 in the area of special education. Did you receive any  
8 formal training specific to working with students with  
9 disabilities?

10 MS. JOHNSON: Object to form.

11 You can answer.

12 THE WITNESS: Okay. As part of my -- as part  
13 of my undergrad.

14 Q BY MS. HAMILTON: And what did that look like?

15 A A course with -- in special education, and then  
16 practicums with special education students. And as part  
17 of my work with the undergrad in sociology, I spent -- I  
18 did several practicums with students with disabilities  
19 over there in different camp-type settings. One of those  
20 was Camp Future, which was general ed and special  
21 education students together. Another was two years with  
22 a camp where I was learning sign language. It was a deaf  
23 and hard of hearing camp, which was the reason I changed  
24 my major from sociology to -- to education.

25 Q Okay. All right. And then since graduating

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1 from your undergraduate college, have you had any formal  
2 training in working with students with disabilities?

3 MS. JOHNSON: Form.

4 You can answer.

5 THE WITNESS: Okay. I would have to go back  
6 and look. I have had -- taken a number of classes and  
7 professional development courses, so I can't -- over the  
8 last 20 something years, so I can't think right off the  
9 top of my head of specific courses.

10 Q BY MS. HAMILTON: Okay. So it sounds like you  
11 say you've taken courses in professional development.  
12 Just to confirm, none of those courses of professional  
13 development resulted in any licenses or formal --

14 A Right.

15 Q -- certificates? Okay.

16 A And I shouldn't say courses. I'm sorry. I  
17 should say training or classes. Courses is more formal.

18 Q Okay. All right. So as you noted earlier, you  
19 currently serve as the deputy superintendent of federal  
20 programs at the Georgia DOE; is that correct?

21 A Correct.

22 Q And you've been in that position since  
23 approximately February 2020; is that correct?

24 A Correct.

25 Q Okay. Who held that position before you?

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1 A Nakeba Rahming.

2 Q Did you have to apply for the position of  
3 deputy superintendent of federal programs?

4 A Yes.

5 Q Who, if anyone, interviewed you for the  
6 position?

7 A Let me think back. Faya Paul, Matt Jones, and  
8 there was a third person. I can't recall who the third  
9 person is at this time.

10 (Court reporter clarification.)

11 Q BY MS. HAMILTON: What was Faya Paul's position  
12 at the time?

13 A I believe she was director in school and  
14 district effectiveness.

15 Q Who was Matt Jones?

16 A He's the chief of staff.

17 Q Are they both still in those positions?

18 A Well, Faya is deceased, and Matt Jones is still  
19 in his position.

20 Q And you said you don't remember the name of the  
21 third person; is that correct?

22 A No, I don't.

23 Q Did they tell you why you were chosen for the  
24 position?

25 A Well, real quick, just if I could clarify, the

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1 position isn't just special education. So federal  
2 programs, special education is only part of the role. A  
3 large percentage of the role is over most all of the ESSA  
4 programs, just to clarify that point.

5 Did they tell me why I -- sorry, let me think  
6 back for a second. It's been -- it's been --

7 Q That's fine. Take your time.

8 A We've been through a pandemic. I'm sorry, let  
9 me just think through.

10 From my understanding, it was implementing the  
11 superintendent's goals and initiatives and creating the  
12 consolidation of funds initiatives with additional  
13 flexibility and resources and support and being able to  
14 move federal programs forward according to the  
15 superintendent's vision.

16 Q So just to repeat my last question, it was, did  
17 they -- when -- when you were interviewed for the  
18 position and were hired, did they tell you why you  
19 specifically were chosen for this position?

20 A Sorry, I'm thinking back. So I think it was a  
21 phone call to say that I have gotten the position, and I  
22 think it was just the work that I had previously done in  
23 federal programs overall and being able to -- yeah, the  
24 work that I had done in federal programs and the success  
25 that I had had with the initiatives, and -- I'm trying



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1 to -- and implementing the superintendent's vision.

2 Q Okay. In your current role, who do you report  
3 to?

4 A Matt Jones.

5 Q Okay. And I guess just to make sure we're  
6 using the term report similarly, is he your former -- my  
7 apologies. Is he your formal supervisor?

8 A Yes.

9 Q Okay. Does he perform performance evaluations  
10 for you?

11 A I don't believe we've received any formal  
12 evaluations.

13 Q Okay. Have you received one from anyone else?

14 A Yes. The -- in my previous roles, I had  
15 received evaluations from Craig Geers, who was the  
16 associate superintendent, and Bill Crenshaw, who was a  
17 program manager when I first started.

18 Q Okay. But so far in your current role as  
19 deputy superintendent, you haven't received a performance  
20 evaluation?

21 A Not a -- not a formal performance evaluation.

22 Q Okay. As the deputy superintendent for the  
23 State Georgia Board of Education, do you routinely meet  
24 with the State Board of Education for any reason?

25 A No.

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1 Q Do you regularly meet with the superintendent  
2 in your current position?

3 A No.

4 Q Do you regularly meet with Matt Jones in his  
5 capacity as the chief of staff in your current position?

6 A It's not a regular set meeting, but yes, we  
7 communicate -- we communicate as needed.

8 Q In addition to Mr. Jones serving as your  
9 supervisor, what other types of things would you discuss  
10 in meeting with him?

11 A Any -- anything regarding any of the federal  
12 programs, so whether that was any -- anything regarding  
13 ESSA or grant funding, possibly new allocations coming  
14 down. If there was an issue of some sort, I would touch  
15 base with him. Yeah, any updates that I need to share  
16 with him as well.

17 Q Okay. Do you regularly meet with the other  
18 deputy superintendents?

19 A By regularly, you mean a set meeting?

20 Q Yes, just a reoccurring or --

21 A Or --

22 Q -- set meeting.

23 A No. Well, wait.

24 Q Are there opportunities -- I was gonna say, are  
25 there other opportunities --

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1 A I'm sorry, let me go back.

2 Q Sure, go ahead.

3 A Let me back up on that one. I'm sorry.

4 We do meet every -- every two weeks the direct  
5 reports, I'm sorry, do meet, and the superintendent and  
6 Matt are at those meetings.

7 Q Okay. Do those meetings have a -- a particular  
8 name?

9 A I think it's biweekly leadership meetings.

10 Q What is discussed during those meetings?

11 A Any updates from the superintendent or Matt  
12 Jones or communications or the ESSER funding or anything  
13 that -- anything programmatically or division-wise that  
14 anybody is doing or wants to talk about; or if there is  
15 updated trending or something coming out, demonstration  
16 of that, as well.

17 Q Okay. Who sets the agenda for the biweekly  
18 leadership meetings?

19 A I -- I don't know.

20 Q Can you, as a deputy superintendent, propose  
21 items to add to the agenda?

22 A Yes.

23 Q Is the GNETS program ever a topic that is on  
24 the agenda in the biweekly leadership meetings?

25 A Not that -- not that I can recall.

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1 Q Okay. And I also want to talk about the  
2 structure of the federal programs. Making sure I'm using  
3 the right terminology, do you refer to where you work, is  
4 that an office, a department? Is there a proper term  
5 when I refer to the federal -- federal program?

6 A Just probably division is fine.

7 Q Division, okay.

8 THE VIDEOGRAPHER: I'm sorry to interrupt.  
9 Real quickly, I just want to see if we are through with  
10 the image of the document on the screen for now?

11 MS. HAMILTON: No. Well, we are about to  
12 switch to a different one, but we're -- we're still using  
13 it.

14 THE VIDEOGRAPHER: Okay. Sorry. Go ahead.

15 Q BY MS. HAMILTON: All right. So within your  
16 division for federal programs, is the GNETS program one  
17 of the programs that falls under your office's  
18 supervision?

19 MS. JOHNSON: Object to form.

20 You can answer.

21 THE WITNESS: Well, GNETS is -- so the GNETS  
22 program manager and program specialist are -- yes, they  
23 are part of federal programs.

24 Q BY MS. HAMILTON: Okay. And why do their roles  
25 fall under federal programs?

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1 A Because it's part of -- because the students  
2 served are students with disabilities.

3 Q And if you can elaborate a bit further, I just  
4 want to make sure I understand the connection. So to the  
5 extent that the GNETS program manager and specialist are  
6 working with a program that serves students with  
7 disabilities, why would that fall under federal programs?

8 A Because federal programs is -- includes the  
9 ESSA programs and IDEA and the state allotments relative  
10 to students with disabilities.

11 Q Okay. And so you mentioned those two  
12 individuals. Who is currently the GNETS program manager?

13 A Vickie Cleveland.

14 Q And who is currently the GNETS specialist?

15 A LaKesha Stevens.

16 Q And is that LaKesha Stevenson or LaKesha  
17 Stevens?

18 A It -- Stevenson?

19 Q Did you say LaKesha Stevenson?

20 A It may be Stevenson. Sorry.

21 Q Have their positions always been under the  
22 federal programs division?

23 A Since I've been in -- in federal programs, I  
24 believe they've been. I think ESSA and IDEA have been  
25 under federal programs. I don't -- I don't know when

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1 that change took place or if they were separate at one  
2 point in time.

3 Q Okay. And I just want to make sure from a  
4 visual standpoint that I also have a clear picture of how  
5 your division -- like what falls underneath your  
6 division. So I'm going to share another document with  
7 you.

8 I'd like for the court reporter -- let me make  
9 sure this is on the screen. I'd like the court reporter  
10 to mark this next document as Plaintiff's -- Plaintiff's  
11 Exhibit 697.

12 (Plaintiff's Exhibit 697 was marked for  
13 identification.)

14 Q BY MS. HAMILTON: And Ms. Owen, I am now  
15 showing you Plaintiff's Exhibit 697. This is an  
16 October 9th, 2020 e-mail from Matt Jones with the subject  
17 line "Announcements." The "To" line also lists Matt  
18 Jones' name. It's not clear if this was sent out like as  
19 a blind carbon copy document or not, but the main thing  
20 I'm going to have you focus on is the attachment.

21 For the record, the Bates number on this  
22 document has -- for the first page is GA01852181. And as  
23 I mentioned, there's also an attachment.

24 Ms. Owen, I am going to give you control of the  
25 screen in a moment so that you can scroll through just to

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1 become familiar with what's on the screen, and then when  
2 you are ready, let me know.

3 A Okay.

4 Q And again, the main thing I will be focused on  
5 during this discussion is on the attachment, which is  
6 page 2.

7 A Okay.

8 Q All right. And I want to make sure you can  
9 also see this document clearly.

10 All right. So focusing on the attachment, do  
11 you recognize this document?

12 A I do.

13 Q Okay. What is this document?

14 A It's the org chart for the Department of Ed.

15 Q Okay. And I want to note for the record, at  
16 the bottom, this particular document has an effective  
17 date of October 9th, 2020.

18 Ms. Owen, do you see that?

19 A I --

20 Q It's in the bottom left corner.

21 A There's -- there's no way that -- I can scroll  
22 up and down, but I can't -- I can't scroll over.

23 Q There's a bar at the very bottom of the screen.  
24 Okay.

25 A I don't -- I don't know if the zoom thing is

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1 covering up the bar. I know typically I can see that. I  
2 can't. It's not popping up, so...

3 Q Here, I can show you. I'm going to make it a  
4 little larger, and then here at the bottom there's -- I  
5 don't know if you see this gray bar that I'm moving back  
6 and forth, but that will let you control it --

7 A Yes.

8 Q -- from left to right.

9 A Let me see. I don't.

10 MS. JOHNSON: It may be covered by the --

11 THE WITNESS: I think it's covered by the zoom.  
12 If there's a way to -- there was a way to minimize that.

13 MS. JOHNSON: Yeah, this does look different  
14 than on my screen.

15 MS. HAMILTON: Oh, okay. I didn't realize your  
16 view was different.

17 MS. JOHNSON: Well, just on my screen, I can  
18 see the bar, but on her's, it's not there. That is  
19 strange.

20 MS. HAMILTON: Okay. That is strange. Okay.  
21 No worries.

22 Q BY MS. HAMILTON: The main thing I just wanted  
23 to --

24 A I could probably just minimize.

25 Q Yeah. If you minimize it, I just wanted to



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1 give you a chance to confirm the date that was in the  
2 bottom left corner.

3 A Yeah, I can't -- I can't see it.

4 Q Okay. Let me see if I can adjust it for you.  
5 Can you see -- can you see the bottom left corner now  
6 where the mouse is?

7 A Let me move. Hold on. No, I -- I can't see it  
8 on mine.

9 Q Okay. Let me see if I can move this up. Okay.  
10 Can you see it now?

11 A There you go. Now I can see, yes. Yes, I can  
12 see it.

13 Q Okay. My apologies that the -- your -- the  
14 view that you have is different from -- from what I can  
15 see.

16 All right. So just to confirm for the record,  
17 given that confusion there, can you please confirm that  
18 the date on this document has -- that this document has  
19 an effective date of October 9th, 2020?

20 A Yes.

21 Q Okay. And I want to focus our time just  
22 looking at the part of the organizational chart for  
23 federal programs, and I just want to give you a brief  
24 moment to look at this to confirm whether this is --  
25 these programs still fall within your division.

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1 A So one change on here is that MTSS is now part  
2 of the Division of Whole Child.

3 Q Thank you. Are there any other changes?

4 A That's the -- that's the only thing that I see.

5 Q And the Georgia Network for Educational and  
6 Therapeutic Support Program, or GNETS, is also listed  
7 within your division; is that correct?

8 A Yes.

9 Q And is that referencing the individuals who you  
10 mentioned a moment ago who serve as the GNETS program  
11 manager and specialist?

12 A Yes.

13 Q I'm going to stop sharing. Okay.

14 All right. I just put a new document on the  
15 screen that I would like for the court reporter to mark  
16 as Plaintiff's Exhibit 698.

17 (Plaintiff's Exhibit 698 was marked for  
18 identification.)

19 Q BY MS. HAMILTON: And Ms. Owen, I am now  
20 showing you Plaintiff's Exhibit 698. This is a  
21 September 9th, 2016 e-mail from superintendent Richard  
22 Woods to DOE -- "DOE Users" and "Other Agency Users" with  
23 a subject line, "Revised -- Revised Organizational Chart  
24 and Strategic Plan." The Bates number on the first page  
25 is GA01764366, and this document has an attachment.

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1 Ms. Owen, you should have control, just to take  
2 a brief moment, and again, I want to focus on the  
3 attachment for --

4 A Okay. Okay.

5 Q So scrolling down to the attachment, I want to  
6 confirm, first of all, the title here says, "Georgia  
7 Department of Education, GaDOE Organizational Chart  
8 Revised September 1st, 2016."

9 Do you see that?

10 A I do.

11 Q Okay. I also want to confirm, if you see here  
12 near the bottom of the organizational chart, there is a  
13 box for Georgia Network of Education and Therapeutic  
14 Supports (GNETS). It says here, Director, Nakeba Rahming  
15 at the time.

16 Do you see where GNETS is located on the  
17 organizational chart here?

18 A Oh, okay. Let me -- I do.

19 Q Okay. So according to this org chart, were you  
20 aware that the GNETS program did not always fall under  
21 federal programs?

22 A No.

23 Q Okay. And do you see here that the GNETS  
24 director during this time period in 2016 reported  
25 directly to Matt Jones, the chief of staff?

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1 A Yes.

2 Q Okay. Do you know what prompted the change in  
3 the reporting structure such that the GNETS director no  
4 longer reports to Matt Jones?

5 A I do not.

6 Q Is there any reason that you think there is a  
7 benefit to the GNETS program director directing -- sorry,  
8 the GNETS program director reporting directly to Matt  
9 Jones, the chief of staff?

10 MS. JOHNSON: Object to form.

11 You can answer.

12 THE WITNESS: Okay. I'm sorry, would you --  
13 would you repeat the question?

14 Q BY MS. HAMILTON: Sure. Can you see any  
15 benefit to the GNETS director reporting directly to the  
16 chief of staff, Matt Jones?

17 MS. JOHNSON: Object to form.

18 THE WITNESS: I mean, I really don't want to  
19 speculate about what the benefit would be because I don't  
20 even -- I don't know why it moved to begin with.

21 Q BY MS. HAMILTON: I'm going to stop sharing my  
22 screen.

23 And Ms. Owen, can you speak briefly to your  
24 duties and responsibilities as the deputy superintendent  
25 of federal programs?

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1           A     I oversee around 1 point billion dollars of  
2     federal funding that comes through the various ESSA  
3     programs and IDEA. I oversee about 130 staff members as  
4     part of that. We have to make sure that we are adhering  
5     to federal guidelines for the -- for the grant. We  
6     monitor and oversee the grants and provide technical  
7     assistance and support to the LEAs and the sub grant  
8     recipients as part of what we do.

9                 Look for ways to -- to implement flexibility  
10    where we can to better support the districts under the  
11    superintendent's vision and mission, and that ties back  
12    to what you had mentioned earlier. So one of the reasons  
13    that I assume the role was growing, consolidation of  
14    funds from a few small districts to over 40 something  
15    across the state with that, additional aspects of  
16    consolidation were for federal programs out of the  
17    guidance that we received from U.S. Ed on that.

18                We run the allocations through the -- for  
19    approval through the State Board. We do all of our  
20    end-of-year reporting for the grant to the U.S.  
21    Department of Education; develop resources; training;  
22    oversee the -- the funds; ensuring adherence to the  
23    federal regulations for each of the individual grants,  
24    all unique with their own set of requirements; and make  
25    sure that we're -- we are hitting all of our targets and

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1 reporting requirements for -- for the grants that we  
2 oversee.

3 Q Thank you.

4 As deputy superintendent, do you have any job  
5 responsibilities that specifically involve GNETS?

6 MS. JOHNSON: Form.

7 THE WITNESS: Well, it -- it falls under  
8 federal programs, so as far as job responsibilities, I'm  
9 just trying to think how to -- I mean, yes, as far as  
10 that's part of the oversight of the -- the funds. We  
11 have the application process that flows through us, and  
12 that -- the grants management piece, the reporting out  
13 and that all -- I mean, ultimately, that all falls under  
14 my shop.

15 Q BY MS. HAMILTON: All right. So it sounds like  
16 there are a number of grant-related responsibilities and  
17 reporting responsibilities. Are there any others?

18 A Well, I mean, part of it is -- is the -- the --  
19 you know, the visits. But as far as what I -- my actual  
20 role in it is more that Vickie, you know, does her  
21 responsibilities as part of her role and then ultimately  
22 reports to Wina Low, the director of special education,  
23 and then Wina reports to me. But Vickie is not my actual  
24 direct report, but it's just part of the overall program.

25 Q Okay. That's helpful.

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1 And a moment ago you said some of your  
2 responsibilities pertained to this, and you said like the  
3 visits. What were you referring to?

4 A Just, I mean, part of -- part of what I had to  
5 assume as part of this role is the -- the -- the  
6 litigation aspect, which is -- yeah.

7 Q And what are the expectations for you as deputy  
8 superintendent as it pertains to the litigation aspects  
9 as you just referred to?

10 A Well, any -- anything that is sent from the DOJ  
11 regarding anything that we have to provide for you all,  
12 either Wina Low or myself to attend the site visits,  
13 along with the DOJ staff that goes to that, and any, you  
14 know, additional discussions that we might have with our  
15 lawyers relative to -- to GNETS.

16 Q All right. I want to turn back to your resume  
17 now. I want to share my screen again.

18 And this was Plaintiff's Exhibit 696. Let me  
19 just... Ms. Owen, do you see Plaintiff's Exhibit 696,  
20 your resume, on the screen?

21 A Yes.

22 Q Okay. All right. I want to discuss some of  
23 the other positions you've held with the Georgia  
24 Department of Education. What position or positions did  
25 you hold immediately before you became deputy

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1 superintendent?

2 A I was in three different roles at the time. I  
3 was director of consolidated federal initiatives, state  
4 ombudsman, the role that came out of ESSA, and deputy  
5 chief of staff.

6 Q And let's take each of those one at a time, and  
7 let's start with the deputy chief of staff. What was the  
8 time frame that you served as deputy chief of staff?

9 A 2019 until I assumed the role of deputy  
10 superintendent of federal programs.

11 Q How did you obtain that position?

12 A The -- how did I obtain the role of deputy  
13 chief of staff?

14 Q Yes.

15 A Okay. I was appointed by Matt Jones.

16 Q Prior to you serving in that role, had there  
17 previously been a deputy chief -- chief of staff?

18 A No, no. Well, let me -- to my knowledge, not  
19 that I recall.

20 Q And did Mr. Jones tell you why you were chosen  
21 for that role or appointed to that role?

22 A Because of being -- because of the work that I  
23 had done in federal programs with consolidation, growing  
24 and -- growing that program, which along with the  
25 superintendent's vision and mission, and the -- I'm sure



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1 the work that I had done as the role of ombudsman, and it  
2 was both at the -- the state and national level, and --  
3 and just seeing how I could streamline policies and  
4 procedures and be successful in -- in implementing the --  
5 the flexibility with federal programs that the -- that  
6 the superintendent was wanting as part of his strategic  
7 plan.

8 Q Who did you report to when you served as the  
9 deputy chief of staff?

10 A Matt Jones.

11 Q Okay. Was there anyone else that you reported  
12 to directly?

13 A Well, I was split-funded, so I was reporting  
14 for -- for my role under -- for my role with director of  
15 consolidated federal initiatives and state ombudsman,  
16 that was -- that role still reported to Craig Geers, and  
17 then -- for half of the time, and then the other half of  
18 the time was reporting to Matt Jones.

19 And essentially it was just -- I had been very  
20 successful with the -- with the initiatives that I was  
21 overseeing.

22 Q Did your position as the deputy chief of staff  
23 fall within any particular offices or departments?

24 A I don't think so. I -- I believe that -- I  
25 believe you -- the org chart, I think it shows as a

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1 direct report to Matt Jones.

2 Q Okay. In your role as deputy chief of staff,  
3 did you supervise anyone?

4 A No.

5 Q What were your core responsibilities as deputy  
6 chief of staff?

7 A Looking at initiatives across the agency;  
8 working with multiple divisions across the agency;  
9 streamlining processes and procedures; looking at  
10 efficiency and effectiveness; implementing the  
11 superintendent's vision; developing the -- looking for  
12 areas that we needed to work on our processes, like  
13 the -- the travel course that you see right there; and  
14 pulling together various divisions across the agency.

15 Q I want to ask you a few follow-up questions  
16 about some of the things that you just stated and also on  
17 your resume.

18 In this first bullet point on your resume where  
19 it says you supported the work of the superintendent and  
20 the chief of staff, what did that job responsibility  
21 entail on a day-to-day basis?

22 A Anything that they might want implemented or  
23 looked at across the agency, employing various  
24 stakeholders to the table to try to resolve any -- I  
25 won't say resolve any issues. Streamline any processes

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1 or work on anything that needed to sort of be approved at  
2 an agency level.

3 Q Okay. In supporting the work of the  
4 superintendent and the chief of staff, were there ever  
5 issues involving the GNETS program that rose to that  
6 level?

7 MS. JOHNSON: Object to form.

8 You can answer.

9 THE WITNESS: Not that I recall.

10 Q BY MS. HAMILTON: Okay. I'm going to share a  
11 new document that I would like for the court reporter to  
12 mark as Plaintiff's Exhibit 699.

13 (Plaintiff's Exhibit 699 was marked for  
14 identification.)

15 Q BY MS. HAMILTON: And Ms. Owen, I am now  
16 showing you Plaintiff's Exhibit 699. This is a  
17 March 31st, 2019 e-mail from Matt Jones to Shaun Owen  
18 with the subject, "Forward: To Do List." That includes  
19 a forwarded message and an attachment. The Bates number  
20 at the bottom of the first page is GA00697832.

21 I will give you a moment. Let me give you  
22 control just to scroll through to familiarize yourself  
23 with what's on the screen. Let me know when you are  
24 ready.

25 A Okay. All right. Give me one second.

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1 Q Okay.

2 A Did you -- I'm sorry, did you want me to scroll  
3 down?

4 Q Yes. You can scroll down and look at the  
5 attachment as well.

6 A Okay.

7 Q And let me know when you're ready.

8 A Okay.

9 Q I'm going to return to the top of this  
10 document. Do you recognize this document?

11 A Yes.

12 Q Did you receive this document in your capacity  
13 as the deputy chief of staff?

14 A Yes.

15 Q And to the extent that it says, "Forward: To Do  
16 list," was the "To Do List" a reoccurring document that  
17 you received in this role?

18 A Not that I recall.

19 Q Okay. Why did you receive this particular Work  
20 To Do List?

21 MS. JOHNSON: Object to form.

22 You can answer.

23 THE WITNESS: Okay. I -- I think it was to  
24 give me an idea of just sort of the -- the scope of some  
25 of the things that the superintendent was looking at

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1 agency wide.

2 Q BY MS. HAMILTON: The cover e-mail from Matt  
3 Jones says, "We'll go over this on Monday/Tuesday too."

4 Did you have a meeting with Matt Jones to  
5 discuss this document?

6 A We did have -- we did have a meeting and looked  
7 over the document, I think.

8 Q Okay. Did anyone else participate in that  
9 meeting?

10 A No.

11 Q Okay. I want to scroll down to the To Do List  
12 and look at item number 78, which says, "GNETS: FBA/BIP,"  
13 or B-I-P, "Online Learning Modules."

14 What does this item refer to?

15 MS. JOHNSON: Object to form.

16 You can answer.

17 THE WITNESS: I'm assuming, because nothing  
18 sticks out at me, it's a list of 100 different things.  
19 I -- I would be speculating about that. I'm assuming to  
20 develop online modules for FBAs and BIPs, but again, I  
21 don't recall anything specific about -- about GNETS  
22 coming from that meeting.

23 Q BY MS. HAMILTON: To the extent that this GNETS  
24 item about the FBA/BIP online learning modules is on the  
25 To Do List that the superintendents had provided to Matt

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1 Jones, would that have indicated this was an area of  
2 interest for the superintendent?

3 MS. JOHNSON: Object to form.

4 You can answer.

5 THE WITNESS: Again, I'm -- I'm speculating  
6 that if it's on the list, then it's something that the  
7 superintendent would be -- you know, of interest to the  
8 superintendent.

9 Q BY MS. HAMILTON: Do you remember if any  
10 specific action was taken with regard to this item?

11 A I do not remember. I can -- I seem to recall  
12 Vickie mentioning that they may have hired a contractor.  
13 I don't know if it was specifically for online modules,  
14 but for some type of training for the FBA and the BIP.

15 Q Okay.

16 A But not in -- not in this role. This is much  
17 later.

18 Q And do you remember if GNETS was discussed in  
19 the context of any of the other items that are on this To  
20 Do List?

21 A I don't recall GNETS coming up.

22 Q And near the end there is a bullet point that  
23 just says "Nakiba." Do you remember what the topic of  
24 discussion was with regard to "Nakiba"?

25 A No, but a point of clarification, just because

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1 it's on here does not mean we went over all of these  
2 points. I think at that time Nakeba may have been out on  
3 medical leave, but I'm -- again, I'm -- I don't want to  
4 speculate.

5 But yeah, we didn't -- and again, I'm trying to  
6 go back three years to remember this, but I do not think  
7 we -- I think there was a list, but as far as actually  
8 going over each one of these points, I don't -- I do not  
9 think that -- I don't think we did that at all.

10 Q Okay. All right. I'd like to return back to  
11 your resume, which was Plaintiff's Exhibit 696. Let me  
12 know when you see it on the screen.

13 A I see it.

14 Q Okay. And I want to talk through a few more of  
15 the bullet points listed here for your deputy chief of  
16 staff position. There is another one here. This is the  
17 second bullet point that says, "Work with Human  
18 Resources, Policy and General Counsel to update and  
19 improve policies and procedures across the Georgia DOE."

20 What did that particular responsibility entail?

21 A So with human resources, we were trying to --  
22 we had some antiquated processes that were time-consuming  
23 and in a paper format, so we were looking at ways of  
24 getting our processes more streamlined and in a  
25 electronic format regarding leave and regarding the -- I

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1 believe it was that -- I'm trying to think -- the hiring  
2 process, to try to see if we can get those -- those  
3 processes streamlined.

4 Policy -- and again, it's been a few years -- I  
5 would think that that's also to update some of the  
6 processes and procedures that were in place and look at  
7 updating any of the policies -- excuse me -- that we --  
8 that we had in place.

9 And general counsel, I cannot recall, but  
10 anything -- sometimes there is just an overlap with those  
11 three -- those three divisions.

12 Q Okay. Did any of your work in carrying out  
13 this responsibility pertain to the GNETS program?

14 A Not that I recall.

15 Q I want to skip down to the bullet point that  
16 says "Participate in all Cabinet meetings to provide  
17 input and update the Chief of Staff."

18 Who participates in the cabinet meetings?

19 A It -- well, it's grown a little bit over the  
20 years. Any deputy superintendent, associate  
21 superintendent. We have directors, and budget, policy,  
22 and sometimes it could be a program manager or a program  
23 specialist, depending on the item or the topic for  
24 discussion. And general counsel participates, and  
25 possibly the -- the CFO, the finance in general.



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1 Q Okay. Are these meetings distinct from the  
2 biweekly leadership meetings that you mentioned  
3 participating in as a deputy superintendent earlier?

4 A They are.

5 Q Okay. What was your role as deputy chief of  
6 staff during the meetings, the cabinet meetings?

7 A So the chief of staff can't be in a lot of  
8 those meetings, so essentially I would just listen to the  
9 items being discussed, whether that's board items or  
10 rules for policy, and then report back to him on any  
11 updates, or there was a potential issue, and if need be,  
12 I might weigh in, but -- but usually it's to -- to keep  
13 the chief of staff informed.

14 Q How frequently did the cabinet meetings take  
15 place?

16 A Cabinet is every Thursday.

17 Q Was GNETS ever a topic during the cabinet  
18 meetings?

19 A I really can't say because -- well, it would --  
20 it would definitely come up, because there's a state and  
21 federal allocation that goes to GNETS. So if there is an  
22 allocation that goes out, if it's going to go to board,  
23 then it would go to -- it would go to cabinet for review  
24 and input, and really just to look over and -- and make  
25 sure that the board item was accurate and the -- the

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1 funding codes were -- were accurate to pull from.

2 Q Other than funding, was GNETS a topic of --  
3 ever a topic of discussion for other reasons during the  
4 cabinet meetings?

5 A I -- I do not recall. I'm just -- I can't say  
6 with a hundred percent certainty, but I do not recall  
7 GNETS coming up as -- as something for discussion.

8 Q And that's set aside for funding-related  
9 topics?

10 A Typically if GNETS were to go to cabinet, it  
11 would be related to funding.

12 Q All right. And I just want to ask you about  
13 two or three more items here, and then if you want, we  
14 can take a break.

15 There's another bullet point under deputy chief  
16 of staff here that says, "Work with Steering Committee  
17 (Chief of Staff and Deputy Superintendents) to  
18 collaborate, plan and administer the Strategic Plans and  
19 Georgia DOE goals and initiatives."

20 What was the purpose of the Steering Committee?

21 A Well, the Steering Committee was in place  
22 before I took my role, and I believe the purpose was for  
23 the deputy superintendents to meet with the chief of  
24 staff to keep him updated, look for opportunities to  
25 collaborate across the agency, see if there were any

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1 issues that needed to be discussed.

2 Q Okay. And now that you are a deputy  
3 superintendent, is the Steering Committee structure still  
4 in place?

5 A No. I mean, a number of things. So just to --  
6 one point of clarification on that. A number of things  
7 changed after the pandemic. So we were all in the  
8 building every -- well, every single day unless we were  
9 traveling; but after that, we are no longer in the  
10 building unless the State Board or as needed. But the --  
11 after the -- after the pandemic, the -- those Steering  
12 Committees in that format did not -- did not start back.  
13 But prior to the pandemic, we didn't have the biweekly  
14 leadership meetings.

15 Q And I should have asked you when you were  
16 talking about the cabinet meetings a moment ago. Is that  
17 structure still in place --

18 A Yes.

19 Q -- now that you are a deputy superintendent?

20 A Yes. We -- we have to have the cabinet to --  
21 to review -- to review the rules before we -- or, I'm  
22 sorry, to review the board items before we take those to  
23 board.

24 Q Okay. All right. So returning back to this  
25 bullet point, at the time when you were deputy chief of

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1 staff, there's a mention here of strategic plans. What  
2 strategic plans were the Steering Committee working on?

3 A Well, there is the overall agency strategic  
4 plan that had a number of goals and missions that we were  
5 to look at to see, to support the superintendent's vision  
6 to see how we could, through our divisions and  
7 collaborations, work together to -- to support that, to  
8 see what work we were already doing and how we could  
9 collaborate better to support the LEAs.

10 Q Okay. And did any of the -- it also notes here  
11 that you all worked on State DOE goals and initiatives.  
12 Did any of these goals, initiatives or plans involve the  
13 GNETS program?

14 A Not that I can recall.

15 Q And then this last bullet point here says,  
16 "Identify areas of improvement across State DOE and  
17 collaborate with divisions and leadership to implement  
18 change."

19 What did this job responsibility entail?

20 A Looking to see if we -- just with the strategic  
21 plan, it's a -- it's a large agency. I think it's about  
22 1300 individuals that -- approximately -- that work at  
23 GaDOE. So a lot of times we're doing -- we're all doing  
24 work to try to support the district so they can support  
25 the students, but a lot of times we may not be aware of

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1 what the other divisions are doing or there may be areas  
2 where we could better pull together to streamline what we  
3 are doing, reduce redundancy, and increase our  
4 effectiveness, and just work together on things that help  
5 the agency as a whole.

6 Q In this position as deputy chief of staff, did  
7 you identify any areas of improvement related to the  
8 GNETS program?

9 A No. Again, I don't recall GNETS being a topic  
10 of discussion for the collaborative work.

11 Q And I guess relatedly -- and your answer may be  
12 the same, we'll see -- did you collaborate -- just  
13 looking at this last bullet point, was there any  
14 collaboration with the different divisions, including fed  
15 programs and leadership, to implement changes related to  
16 GNETS?

17 A Again, I don't believe -- I do not recall GNETS  
18 being part of the work that we were doing.

19 MS. HAMILTON: All right. I'm just looking at  
20 the time, and let's see, I -- Ms. Owen, Ms. Johnson,  
21 would this be a good time to take a break, or do you all  
22 want to keep going? We can take like a 10-minute break.

23 MS. JOHNSON: Yeah, I'd like to take a  
24 10-minute break.

25 MS. HAMILTON: Okay. Great.

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1 THE VIDEOGRAPHER: Hearing no objections --

2 MS. HAMILTON: So why don't we come back at 11  
3 o'clock.

4 MS. JOHNSON: Great.

5 THE VIDEOGRAPHER: Okay. We'll go off the  
6 record now at 10:51 a.m.

7 (The deposition was at recess from 10:51 a.m.  
8 to 11:02 a.m.)

9 THE VIDEOGRAPHER: We are back on the record at  
10 11:02 a.m. Please proceed.

11 Q BY MS. HAMILTON: Ms. Owen, we are going to  
12 pick back up with your resume, which is Plaintiff's  
13 Exhibit 696, and I'd like to move on to your next  
14 position that you held, which was director of  
15 consolidated federal initiative.

16 When did you hold this position?

17 A I started in, I believe, August of 2016.

18 Do you have the resume that you were going to  
19 put up or?

20 Q Yes, I'm sorry. I thought that was on the  
21 screen. Let me reshare. Thank you for flagging that.

22 Let me know when you see the resume on the  
23 screen.

24 A Yes, I can see it.

25 Q Great. And let me make sure you have control

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1 if you need it.

2 Okay. So what was the time frame for when you  
3 held the position of director of consolidated federal  
4 initiatives?

5 A 2016 until I took the role as deputy  
6 superintendent of federal programs.

7 Q And how did you obtain the position of director  
8 of consolidated funds initiatives?

9 A I --

10 Q Or federal initiatives.

11 A -- interviewed for the position.

12 Did you hear me?

13 Q And I apologize for cutting you off.

14 Yes. Did you say you interviewed for the  
15 position?

16 A I did.

17 Q Who conducted your interview?

18 A There were three. I believe it was the HR  
19 director, and I believe it was Avis King. And I -- I  
20 don't know who the third person was. I'm not -- I'm not  
21 sure if I knew the third person.

22 Q Okay.

23 A But someone was in the --

24 Q Okay. Do you know the HR director's name at  
25 the time?

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1 A Denise. I'm not a hundred percent sure.

2 Q Okay. But you believe her first name was  
3 Denise?

4 A Yes.

5 Q Okay. And then you mentioned Avis King. What  
6 was his role?

7 A I believe she was -- I believe she was deputy  
8 superintendent of school and district effectiveness or  
9 school improvement, but I -- but I'm not a hundred  
10 percent certain on that.

11 Q Okay. Did they explain why you were selected  
12 for this role?

13 A I mean, it's harder when you're -- I know you  
14 are asking these, but it's hard to recall exact  
15 conversations about what was said.

16 Q And I can reframe that.

17 A Yeah, I'm --

18 Q What was your understanding of why you were  
19 hired?

20 A Well, I -- and again, I'm speculating because I  
21 don't recall the -- the whole conversation on this. I  
22 don't -- I'm trying to even think if there is sort of an  
23 explanation of why you are hired or, you know, you've got  
24 the position sort of thing when -- when you're hired for  
25 positions. That's why it's throwing me a little bit.



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1 But I -- I had been at the department for a  
2 number of years, and I had demonstrated success in other  
3 programs and projects across the agency and was looking  
4 to move over to federal programs, and so -- but I don't  
5 know as far as an explanation of why. I don't want to  
6 speculate on something from, you know, six years ago.

7 Q Did you say a moment ago that this position  
8 falls under federal programs?

9 A Yes. This was a -- this was a brand-new  
10 initiative, and it -- yes, that was under federal  
11 programs.

12 Q Okay. Who did you report to in that role?

13 A Craig Geers.

14 Q And did you supervise anyone?

15 A Yes. Well, not originally, but as the program  
16 grew, then I hired -- I hired Carly Ambler to assist with  
17 the growth of the program for this, and -- and equitable  
18 services.

19 Q Okay. And I know you mentioned the  
20 consolidated funds and it should have -- or consolidated  
21 federal initiatives a few times during the deposition  
22 today. How would you summarize what the purpose of the  
23 initiatives -- what the purpose of the initiative was?

24 A So getting to the, as you heard me say, the  
25 superintendent mission and vision, the sense was that, in

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1 general, that the federal programs as a whole were being  
2 administered, and the interpretation of the statute was  
3 far too stringent and that we weren't allowing the LEAs  
4 the flexibility that -- that they needed to be innovative  
5 and flexible with their -- their allocations.

6 So the superintendent, a big part of his goals  
7 were to take our federal programs division and look to  
8 see any area that we as a state agency were overstepping  
9 what the federal government was requiring. And that's  
10 how the consolidation of funds initiative came to be, and  
11 it essentially was taking multiple pots of funding  
12 streams, including state and local and federal funds,  
13 combining them together, and then under allowable  
14 statutes from the U.S. Department of Education, providing  
15 the LEAs with additional flexibility, so that the funds  
16 essentially were treated more as state funds with that  
17 additional flexibility for the use of the funds, and  
18 essentially wanting to take that model and -- or just  
19 the -- the flexibility and not overreaching as a state  
20 agency, wanting to take that across the entire federal  
21 programs division.

22 Q Your second bullet point underneath the  
23 director of consolidated federal initiatives position  
24 says that, "The consolidation of funds initiative grew  
25 from four LEAs to over 30 LEAs in three years."

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1           What was the goal in terms of how many LEAs  
2           would ultimately be able to benefit from this initiative?

3           A    Well, the goal is as many LEAs as -- as many  
4           LEAs that want to be part of it. I mean, the  
5           superintendent is a big believer in local control, and  
6           he's a big believer in flexibility while still being in  
7           compliance with federal statute. But as -- it was a --  
8           it was just -- it was a huge, huge undertaking, because  
9           the way people looked at federal funds and possibly some  
10          of -- what some of the practices that had been put in  
11          place for years were really more of a -- they went beyond  
12          what the scope of the -- what the federal regulations  
13          called for. And it was -- but it was a really  
14          frightening endeavor for some of the districts because of  
15          the compliance aspect and just sort of the years of how  
16          they had -- our federal programs had sort of overseen and  
17          interpreted statute.

18          So it was -- it was a major, major undertaking,  
19          and I -- I think the idea was to get somebody maybe with  
20          a different perspective outside of federal, because  
21          essentially trying to undo what you had always been  
22          taught is a -- is a different undertaking. But this  
23          was -- this concept of flexibility within the scope of  
24          the law was -- was a huge initiative for the  
25          superintendent.

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1 Q I know you said the -- the focus of the  
2 consolidated federal initiatives seemed to primarily be  
3 helping LEAs figure out how to combine these multiple  
4 pots of funding or funding stream. How, if at all, would  
5 the GNETS program be able to benefit from the  
6 consolidated federal initiative?

7 MS. JOHNSON: Form.

8 THE WITNESS: Well, that's -- it's difficult  
9 to -- that's a little difficult to answer because, one, I  
10 don't recall that coming up as a point of discussion.  
11 GNETS is a program that -- and this is -- essentially,  
12 the flexibility goes to the LEAs, and GNETS funding comes  
13 through a state item allocation. So you have a -- a  
14 state allotment that goes to GNETS, and then you have an  
15 IDEA allotment, and these funds, though you can  
16 consolidate IDEA as part of this, it -- it gives  
17 additional flexibilities to the LEAs. But I don't recall  
18 specifically something relative to GNETS coming up  
19 because it was more work directly with the LEAs.

20 Q BY MS. HAMILTON: And does the consolidated  
21 federal initiative still exist?

22 A Yes. We have grown it to over 40. I think  
23 currently there may be 43 LEAs. And we're asked to  
24 co-present with the U.S. Department of Education, I think  
25 in March of 2020, because of the success of the program.

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1 And no other state is -- consolidates the number of  
2 programs that we do in Georgia or has the number of LEAs  
3 participating, so it's looked to as a model for -- for  
4 other states.

5 Q So I want to scroll down to the state ombudsman  
6 position listed here as well. What was the time frame  
7 that you served as state ombudsperson?

8 A I was delegated the role as part of ESSA,  
9 probably maybe two months -- and again, this is from  
10 memory -- after I took the role of the director of  
11 consolidated federal initiatives, and held that role,  
12 along with the deputy chief of staff and the director of  
13 consolidated federal initiatives until I took the role as  
14 deputy chief of staff.

15 Q Okay. And how did you obtain the position of  
16 state ombudsman?

17 A I was delegated the role. My -- the associate  
18 superintendent, Craig Geers, it was written into ESSA.  
19 We were looking at, you know, ESSA implementation, and he  
20 asked me to think about it, and then -- and then he  
21 delegated the role to me.

22 Q Okay. So you didn't have to apply for this  
23 role?

24 A No, this -- no.

25 Q And am I correct that this -- I think you list

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1 here that -- this was in the second bullet -- a role that  
2 was new to federal programs?

3 A Yeah, both -- both of the -- both of the roles,  
4 because both of the responsibilities were new to federal  
5 programs.

6 And if I could just clarify for one of the  
7 questions you had asked earlier about, you know, becoming  
8 deputy. One of the big charges was bringing both sides  
9 of the house together, ESSA and IDEA, to work as one  
10 federal program, and I had a lot of experience pulling  
11 together different groups and programs across the agency,  
12 so this was part of that as well.

13 But both of those positions, we never had a  
14 consolidated -- consolidation of funds. We were just  
15 starting it. And then the role of the ombudsman had  
16 never -- had never existed.

17 Q Okay. Did you supervise anyone as the  
18 ombudsman?

19 A Not at first, but then later on, Carly Ambler.  
20 But, also, part of -- so not supervised but work with all  
21 of the programs that you see there, just like above that,  
22 working with the 12 to 15 different federal programs.

23 Q And did you say that you reported to Craig  
24 Geers for this position as well?

25 A Yes.

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1 Q And I guess if you just had to summarize at a  
2 high level what you did as a state ombudsman, how would  
3 you describe your role?

4 A To implement the ESSA, which would be oversee  
5 equitable services in those six different -- those six  
6 different programs. Work with the -- both roles were  
7 essentially like a liaison. So for this, I was a --  
8 essentially a liaison between the private schools and the  
9 LEAs and helped to implement ESSA across the state and  
10 training across the state in resolving conflicts and  
11 issues between them.

12 And the same was true for the role above, which  
13 was sort of a liaison between our federal programs and  
14 the LEAs and the -- because the LEAs felt that we were  
15 far too restrictive in our implementation of statute, and  
16 a number of federal programs did not think so, so it --  
17 and back to your earlier question about the role of  
18 deputy, this gave me a unique perspective, because in  
19 most cases people only work with one federal program. So  
20 we might have Title I, and that's all they do is Title I,  
21 but I was able to work with 12 to 15 different programs  
22 to gain knowledge of -- of those programs and build  
23 relationships so that we could work together to implement  
24 some of these changes.

25 Q Okay. And I know you used the term "equitable

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1 services" a moment ago. What does that term mean in the  
2 context of your role?

3 A So for the programs that you see listed, IA,  
4 IC, IIA, IIIA, IVA and IVB, as part of -- as part of the  
5 allocation that comes down to the LEAs, there is a  
6 portion of that funding that may be allowable for use for  
7 students who are in private schools. Each one of those  
8 programs has different stipulations and regulations  
9 around it. But if those funds that are held out are the  
10 equitable services and the funds go to support the -- the  
11 private school students, through those various programs  
12 they're implemented by the LEA, and the LEA is the -- the  
13 fiscal agent for these. So the -- the services are what  
14 the private school students receive, not the funding.  
15 But this role was created to ensure that that -- that was  
16 actually happening for private school students.

17 Q And as state ombudsman, did you have any  
18 responsibilities that involved the GNETS program  
19 specifically?

20 A No.

21 Q As state ombudsman, were there any  
22 responsibilities that impacted the GNETS program? Any  
23 responsibilities that you held in that role that impacted  
24 the GNETS program?

25 A No, not that I can recall, because also this is



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1 a -- these are ESSA funds; whereas, GNETS, they would be  
2 receiving the state allocation in IDEA funds. But  
3 there -- there is -- there's equitable -- no, sorry.

4 Q All right. I just want to make sure I  
5 understand. A moment ago you were saying there was an  
6 equitable. I just want to make sure I understand what  
7 you were referring to.

8 A There are equitable services that relate to  
9 IDEAs, but this role was created under ESSA, so this was  
10 dealing with the -- the ESSA funds; that Title IA, IC,  
11 IIA, IIIA, IVA and IVB are -- are ESSA funds on the ESSA  
12 side of the house.

13 Q Okay. And you mentioned this earlier. I just  
14 want to make sure I -- I capture this. So in these three  
15 roles as state ombudsman, director of consolidated  
16 federal initiatives, and deputy chief of staff, when you  
17 held all three of those for the period of time, it sounds  
18 like you were saying half of your time was spent serving  
19 as deputy chief of staff and half of your time was spent  
20 on the other two positions. Is that correct?

21 A Yes, that's correct.

22 Q Okay. And then during the time period when you  
23 were just serving as director of consolidated federal  
24 initiatives and state ombudsman, how was your time split?

25 A Well, it was -- it was paid for out of the same

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1 funding stream, the consolidated application. So as  
2 far -- from the financial point, I didn't have to worry  
3 about the splitting of time, but essentially I -- I tried  
4 to divide it as much as I could so that I could  
5 address -- you know, fulfill the goals of both of the --  
6 the programs.

7 Q Okay. And then lastly on these roles, when you  
8 became deputy superintendent, did anyone replace you as  
9 deputy chief of staff?

10 A No.

11 Q Did anyone replace you as director of  
12 consolidated federal initiatives?

13 A No. Carly Ambler -- and also let me just go  
14 back real quick. So no was the answer, but we also -- I  
15 took the position, I think in February, and March was the  
16 pandemic, so, you know, we're very much in ESSA mode and  
17 getting the funds out.

18 And regarding the other, Carly Ambler became  
19 the senior program manager and -- in that, and we ended  
20 up adding two additional staff to her team.

21 Q Okay. When you became deputy superintendent,  
22 did anyone replace you as the state ombudsman?

23 A Yes, Carly Ambler.

24 Q Okay. So moving further down into your  
25 professional history, you were at the Department of

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1 Education for quite some time. It looks like you also  
2 held the role of program specialist and state program  
3 manager for social studies K-12. Is that correct?

4 A Yes, but that -- the 2017 should actually be  
5 2016.

6 Q Okay. So what was the complete time frame?

7 A Yes, so 2008 until I took the role in 2016, so  
8 I don't know why it says '17.

9 Q Okay. How did you obtain this position?

10 A I -- which position?

11 Q The program specialist and state program  
12 manager for social studies.

13 A The -- so the specialist role, I interviewed  
14 for. That was to help resolve some issues that had  
15 arisen with the state testing, and with five people in  
16 that division, and eventually through attrition and the  
17 time frame being the recession, ended up with one person  
18 in that division.

19 Q Okay. And similarly, how did you obtain the  
20 state program manager for the social studies position?

21 A I'm trying to think back. I think I was in the  
22 role for quite some time, and then was made program  
23 coordinator, and then I think promoted to program  
24 manager.

25 Q Okay. What department did these positions fall

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1 under with the Department of Education?

2 A Curriculum instruction and assessment.

3 Q Okay. Who did you report to in these roles?

4 A My -- originally I reported to Bill Crenshaw,  
5 the program manager. When he was no longer there, I  
6 believe I reported to the director, the director of  
7 curriculum instruction and assessment.

8 Q Okay. I know a moment ago you were talking  
9 about the various people who were in the department when  
10 you were in the program specialist role, but did you  
11 supervise anyone when you served in these positions?

12 A Originally no, and then I was able to -- to  
13 hire someone.

14 Q And I see here you've listed a number of  
15 responsibilities. I guess just at a very high level, how  
16 would you summarize what you did as the program  
17 specialist and state program manager for social studies?

18 A Well, I came in to help resolve the issue in  
19 the year under Kathy Cox when they had to throw out the  
20 state assessment results, so I was brought in to help  
21 resolve that contentious issue, and then help develop  
22 the -- the training, help revise the assessment, help  
23 revise the standards for -- for the sixth and seventh  
24 grade at that time. And then also over time, and then  
25 deliver the training across the state, and then the role

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1 grew for including K through 12. And I worked with all  
2 of our assessment items, the Georgia high school  
3 graduation portion for social studies, the EOCs, the  
4 EOGs, developing training resources, working on standards  
5 revision for the entire state, running statewide  
6 initiatives, such as the governor's civics project, medal  
7 of honor and -- yeah.

8 And then after the -- after the precision  
9 review, I think I had been there about seven years and  
10 was ready for a new challenge. And then also building --  
11 building and fixing relationships was one of the charges  
12 that I had also in that role from the deputy  
13 superintendent.

14 Q And in these roles, did you have any  
15 involvement with the GNETS program?

16 A So I would not have had like direct  
17 involvement, but I conducted a lot of training. So just  
18 as you asked me earlier, courses I've taken, I've taken a  
19 lot of professional development, I couldn't tell you, but  
20 I have also conducted, in that role in particular, a  
21 tremendous amount of professional development across the  
22 state. So if there were GNETS teachers who attended any  
23 of the trainings, I would not have known that, but there  
24 could have been.

25 Q Okay. And in terms of the subject matter or

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1 focus of those trainings, would they all have been  
2 related to social studies?

3 A Yes.

4 Q Okay. And when you left these positions, who  
5 replaced you?

6 A In this particular instance, it was Joy  
7 Hatcher, who had been my program specialist. And then  
8 they ended up hiring two additional staff, and I think  
9 possibly over the next few years, three additional staff  
10 to rebuild that -- that department.

11 Q Okay. All right. Working our way down your  
12 resume, it also says here that you were a business owner.  
13 And what was the time frame for that?

14 A 2005 to 2008.

15 Q Okay. And what did you do when you served as a  
16 business owner during this time period?

17 A I was contracted by different LEAs to teach the  
18 teachers how to be more effective teachers, more engaging  
19 use of IT strategies in a big part of that. To one of  
20 your questions earlier is, a lot of use of visual stimuli  
21 to engage a variety of learners, learners with  
22 disabilities, but -- and use of IT strategies to try to  
23 keep all kids engaged.

24 Q Which LEAs did you work with during this time  
25 frame?

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1 A I'm not going to be able to recall all of them.

2 Q I should say, approximately how many did you  
3 work with?

4 A I don't -- I really don't recall. I know it  
5 was -- I remember DeKalb, Meriwether; I believe Burke  
6 County, and did some contract work with CSRA RESAs with  
7 their TAPP teachers for their educational --

8 THE REPORTER: Did you say with their TAPP  
9 teachers?

10 THE WITNESS: TAPP. Yes, sorry, TAPP, T-A-P-P.  
11 It's a training program for teachers that are seeking  
12 certification through alternative means outside of their  
13 four-year program, if they have a four-year degree.

14 And then I -- when I accepted the role at -- in  
15 2008 at the Department of Ed, I had to -- I had a  
16 training scheduled, but I couldn't do that because you  
17 can't -- you couldn't do both, so I had to cancel that,  
18 that training.

19 Q BY MS. HAMILTON: Okay. And when you were  
20 serving in this role, did you provide any services to  
21 GNETS programs?

22 A Not -- no, not to the programs, but again, the  
23 same as before, so I would have been hired by -- I would  
24 have been hired by the LEAs or the RESA, and there could  
25 have been teachers who were GNETS teachers in there, but

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1 I -- I would not have known.

2 Q Okay. All right. And then it also appears  
3 that you worked at two different middle schools. Is that  
4 correct?

5 A Yes.

6 Q Okay. What -- where did you work and when?

7 A Greenbrier Middle 2000 to 2008, and then  
8 Hephzibah Middle 1995 to 2000.

9 Q And what did you teach when you were working as  
10 a teacher at these schools?

11 A Social studies, science, reading. I'm trying  
12 to -- oh, and when I transferred over to Greenbrier in  
13 Columbia, initially moved over to connections, their  
14 connections classes, and that was French, Spanish and  
15 Latin, and then moved over to a team where I was teaching  
16 social studies and science.

17 Q Okay. And just a few additional questions  
18 about your resume. When you were a teacher, did you ever  
19 serve as a special education teacher?

20 A I did not. No, I didn't serve as a special  
21 education teacher.

22 Q And I believe earlier you mentioned that you  
23 did have some students with disabilities who were in your  
24 classes; is that correct?

25 A Yes. I always had students with disabilities



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1 in my classes and worked with the special education  
2 teachers always. I shouldn't say always, but throughout  
3 my career I recall things -- I always had students with  
4 disabilities in my classroom and worked closely with the  
5 special education teachers to -- and -- and the general  
6 ed team that we were on to -- to try to serve and support  
7 their needs and meet their IEP goals or their SST goals.

8 Q Do you have any particular expertise working  
9 with students with EBD?

10 A Particular expertise?

11 Q Yes. Just do you have any expertise working  
12 with students with EBD?

13 A I don't have certification working with  
14 students with EBD.

15 Q Do you have any expertise assessing the  
16 appropriate levels of integration for students with  
17 disabilities?

18 MS. JOHNSON: Object to form.

19 THE WITNESS: I'm sorry, could you repeat that?

20 Q BY MS. HAMILTON: Sure. Do you have any  
21 expertise assessing the appropriate levels of integration  
22 for students with disabilities?

23 A I don't have any -- I don't have any specific  
24 certification in that.

25 Q Okay. I'm going to stop sharing my screen.

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1 All right. And we're gonna switch gears. We  
2 are going to move on from your resume now, and I just  
3 have some general questions for you about the GNETS  
4 program. When did you first learn about the GNETS  
5 program?

6 A I don't -- I don't recall when I first learned  
7 about it. I remember Nakeba doing a board presentation  
8 when she was in the role of -- as a director, but just I  
9 didn't have a lot of, you know, additional information  
10 regarding that.

11 Q And what would have been the time frame when  
12 Nakeba gave that presentation about GNETS?

13 A I -- I don't know, and I don't want to -- I  
14 don't want to speculate. It was prior to -- it was prior  
15 to her taking the role as the deputy superintendent of  
16 federal programs.

17 Q Okay. Would that have been when Nakeba was  
18 serving as the GNETS director?

19 A Yes.

20 Q Okay. And what was your understanding of the  
21 purpose of the GNETS program?

22 A To serve students with severe emotional,  
23 behavioral -- social, emotional and behavioral disorders  
24 that occur with such frequency and duration and intensity  
25 that their needs cannot be met successfully in a general

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1 ed classroom or a setting.

2 Q Excuse me. How are the GNETS programs  
3 structured around the state?

4 A I mean, they're -- they're all different.  
5 There is 24 different GNETS I think at 150 different  
6 sites, and I've been on some site visits, but this is  
7 not -- I mean, because we don't run the program, I -- and  
8 it's locally controlled, I really would not be able to  
9 answer that.

10 Q But just to make sure I understand, a moment  
11 ago you were saying there is 24 different GNETS programs?

12 A Well, yeah, 20 different -- 24 different  
13 programs, so there are GNETS programs across the state,  
14 but they are served in like 150 different locations.

15 Q Okay. How does a student become eligible to  
16 participate in the GNETS program?

17 A They -- so we have a board rule that -- that  
18 addresses that, and they should have been through the  
19 continuum of services to ensure that a multitude of, you  
20 know, things have been tried before moving to the  
21 evaluation.

22 The IEP team ultimately would make the decision  
23 if the criteria has been met for that. And they should  
24 have an SEA; they should have a BIP, but it should be  
25 made with an IEP team after careful evaluation of the

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1 student.

2 Q And roughly how many students are enrolled in  
3 the GNETS program statewide?

4 A I believe it's around 3100.

5 Q Has that number changed over time?

6 A From my understanding, it has. It's reduced  
7 over time.

8 Q Uh-huh. What is your understanding of why that  
9 number has decreased or been reduced?

10 A Well, that calls for some -- some speculation  
11 on my part as to why that has happened.

12 Q Have you been part of any discussions about the  
13 reasons that the number of students have been reduced?

14 A Sorry, I'm thinking through discussions.

15 Q Sure.

16 A So yes.

17 Q And what was in the nature -- what was the  
18 nature of those discussions about why the numbers have  
19 reduced -- reduced or been decreased over time?

20 A So like I was at training, you know, and  
21 messaging to make sure that LEAs are looking very closely  
22 at their programs, at the continuum of services that they  
23 have available, and that these children truly are in  
24 their least restrictive environment. The fact that DOJ  
25 is conducting site visits, and there is two lawsuits,

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1 might also have led to -- to the reduction as well.

2 Q And to the extent that there have been  
3 discussions about reducing the number of students in the  
4 program, who typically participated in those discussions  
5 with you?

6 A It -- well, it wasn't a -- it wasn't a meeting  
7 about the reduction of GNETS. So I don't always know,  
8 but when I came into the role, I would sometimes attend  
9 meetings with -- with the GNETS program manager and the  
10 state director just regarding -- well, we actually --  
11 there are weekly meetings with all the different  
12 programs, so it's not unique to GNETS. There is weekly  
13 meetings to all of the programs that we have. Usually it  
14 would be with the programs and then the director. And  
15 then I might have an invite to the meeting, but  
16 originally was attending a number of those meetings.  
17 Like I said, obviously there is a -- a lawsuit around  
18 this, and to hear some of the discussions.

19 Q Speaking of the meetings that you had, you are  
20 saying that they are -- as deputy superintendent, you  
21 have weekly meetings with a lot of your programs; is that  
22 correct?

23 A No, I don't.

24 Q No?

25 A The --

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1 Q Oh.

2 A The directors do, so a lot of the -- you know,  
3 if it gets too specific or granular, because of the  
4 number of programs I oversee, typically I'm not going to  
5 be sitting in on those.

6 Most of mine is going to be high-level  
7 interactions and, you know, problem solving, things of  
8 that nature, information that I get from the directors.  
9 But I will sit in on meetings, and originally I was  
10 sitting in on a number of the -- the weekly meetings.

11 Q Okay. Do you have regular meetings currently  
12 with anyone on the GNETS program staff?

13 A I have it on my calendar. Like I'm just  
14 included as an invite, but I -- I don't necessarily  
15 attend. It's sort of, you know, as needed at this point.  
16 Because a lot of time has been dedicated to GNETS, and I  
17 have a lot of other programs to oversee in my role.

18 Q Okay. Have there been periods in serving as  
19 the deputy superintendent when you did attend the  
20 meetings with the GNETS program staff?

21 A Yes. Yes.

22 Q Okay. Who participated in those meetings?

23 A Originally, I believe it was Dr. Zelfhine  
24 Smith-Dixon, the state director at that time, and Vickie,  
25 the program manager, and sometimes LaKesha may be in the

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1 meetings. And then now it's Wina Low, who is the state  
2 director, and Vickie, and I don't know if LaKesha attends  
3 on a regular basis or not.

4 Q Okay. And when you say state director with  
5 regard to Zelfhine and Wina Low, is that the state  
6 director of special education?

7 A Yes. We have a -- or did have a state director  
8 of the ESSA programs and then a state director of the  
9 special ed programs.

10 Q What was the general time frame when you were  
11 meeting with Zelfhine Smith-Dixon and Vickie Cleveland?

12 A What do you mean by "general time frame"?

13 Q You said originally you met with Zelfhine and  
14 Vickie, and I'm just trying to get a sense of since you  
15 started in the role as deputy superintendent, when you  
16 would have been holding those meetings.

17 A I'm not sure at first, because when March 13th,  
18 2020 came about, you know, we stopped -- we started  
19 working from home; and to be honest with you, a lot of  
20 the focus at that time was the federal funding coming  
21 down through ESSER and trying to get that money out. So  
22 a lot of my focus was on that and the -- and across the  
23 agency.

24 So I -- I can't really tell you whether or not  
25 I was attending those meetings. I know at some point,

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1 you know, I started trying to attend those meetings to  
2 listen in to, you know, to hear what was -- what was  
3 happening.

4 Q Okay. And I actually want to ask you some  
5 questions about a few e-mails I have related to those  
6 meetings, so let me pull those up. This may help.

7 I'd like for the court reporter to mark this  
8 next document as Plaintiff's Exhibit 700.

9 (Plaintiff's Exhibit 700 was marked for  
10 identification.)

11 Q BY MS. HAMILTON: And Ms. Owen, I have shared  
12 with you Plaintiff's Exhibit 700. This is a January  
13 28th, 2020 e-mail -- e-mail chain, and the subject line  
14 here at the end says, "RE: Introduction and Next Steps."  
15 And the Bates number on the first page is GA00702975.

16 I will give you -- I will just give you a quick  
17 moment to take a look at this, but I will actually kind  
18 of guide you through with the specific questions that I  
19 have. So you should have control over the -- the mouse.  
20 So if you can just let me know when you've looked at it,  
21 if you recognize the document.

22 A On this, I'm trying to see, because it looks  
23 like it's cut off. Do -- is that -- was that to all  
24 federal program staff? I'll read through it, but usually  
25 it will tell you who it's to, and I don't see that.



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1 Q This was what was provided to us. I --

2 A Okay.

3 Q That information wasn't on the particular  
4 document when it was given to us from the State.

5 A Okay. All right. Let me enlarge this.

6 Q And for what it's worth, I'm actually not going  
7 to be focused on this e-mail, this particular e-mail, but  
8 I just want to get a sense from you if you recognize this  
9 e-mail chain.

10 MS. JOHNSON: Take your time and look through  
11 it. You don't have to read every line unless you --

12 THE WITNESS: Do you mind if I just read it for  
13 context? Because this is a 2019 e-mail.

14 MS. HAMILTON: That's fine.

15 THE WITNESS: Okay.

16 Q BY MS. HAMILTON: All right. So scrolling  
17 down, I do want to note, so this initial e-mail that was  
18 sent out January 28th, 2020, it appears that you are  
19 sharing that you had been selected as the deputy  
20 superintendent of federal programs. Is that correct?

21 A Correct.

22 Q And then it appears --

23 A Well, it had already been shared out. This was  
24 just a follow-up e-mail.

25 Q Okay. And then it appears that Vickie

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1 Cleveland then wrote you directly to congratulate you; is  
2 that right?

3 A Yes.

4 Q Okay. And then continuing to work through the  
5 chain, you had responded to her, and there's a line here  
6 where you say, "I am going to ask Jackie to set a  
7 standing meeting for you and I, as she said this was  
8 something Nakeba did to stay updated on GNETS. Will that  
9 work?"

10 First of all, who is Jackie?

11 A She was my administrative assistant.

12 Q Okay. And what was her full name?

13 A Jaquenetta Dugger.

14 Q Okay. And so just to be clear, you -- you were  
15 letting Vickie know that you wanted to have a standing  
16 meeting. Why -- why did you propose setting a standing  
17 meeting?

18 A Well, because I was -- I don't know if Jackie  
19 told me or, but somehow I came to the information that  
20 she had a standing meeting with Nakeba, who was my  
21 predecessor.

22 Q Okay. And did you see value in having the  
23 standing meeting with Vickie Cleveland every -- and this  
24 doesn't get into the time frame, but did you see value in  
25 having a standing meeting with Vickie Cleveland?

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1           A    Well, and it wasn't just for -- for Vickie. It  
2   was -- yes, there is value in it, you know, particularly  
3   gaining more knowledge about the programs, but I was also  
4   trying to, you know, meet with all of the program  
5   directors to, you know, get insight to, you know, how  
6   their programs were -- were going, as well.

7           But yes, so I assume, though, I was trying to  
8   follow along with what Nakeba had been doing.

9           Q    Okay. All right. I'm going to show you -- and  
10   that basically was just the end of the e-mail there.

11           I'm going to show you another document, and I'd  
12   like for the court reporter to mark this as Plaintiff's  
13   Exhibit 701.

14           (Plaintiff's Exhibit 701 was marked for  
15   identification.)

16           Q    BY MS. HAMILTON: This is an April 29th, 2020  
17   e-mail. This last one is from Shaun Owen to Jaquenetta  
18   Dugger, but it's basically an e-mail exchange between the  
19   two of you. He subject line is "GNETS," and the Bates  
20   number for this first page is GA00707281.

21           All of the content is basically here on this  
22   one page. So do you want to take a quick moment and let  
23   me know if you recognize this document?

24           A    Okay.

25           Q    Do you recognize this document?

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1 A No, because it was -- but obviously, I sent it.  
2 But yeah, no, I don't recall this. But yeah, obviously,  
3 I sent that.

4 Q And do you have any reason to believe that this  
5 wouldn't be an accurate representation of what you would  
6 have sent by e-mail?

7 A No, no, no. When you ask me do I recognize it,  
8 no, I mean, it doesn't just pop up to mind, is what I'm  
9 saying.

10 Q Okay. Okay. And so I see here this is an  
11 e-mail exchange between you and Ms. Dugger. Is this the  
12 same Jackie that we were talking about from the other  
13 e-mail chain, your administrative assistant?

14 A Yeah.

15 Q Okay. And in this initial e-mail from  
16 Ms. Dugger, she notes that she spoke with Vickie and  
17 then, quote, she would like a monthly standing meeting  
18 with you and Zelfphine. And then it goes on where your  
19 assistant says, "Would you prefer a biweekly or keep it  
20 monthly?"

21 Do you see that?

22 A Yes.

23 Q And then in your response, you say, "Let's do  
24 weekly."

25 Do you see that here?

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1 A I do. I don't know -- I don't know if that was  
2 a typo.

3 Q Okay. But do you see that here?

4 A But yeah, I -- I see it. I see it, uh-huh.

5 Q Okay. What was your understanding of why  
6 Ms. Cleveland wanted to set a monthly standing meeting?

7 A So I think it was just to continue what she had  
8 been doing with Nakeba.

9 Q Okay. And then to the extent that it appears  
10 here that you would propose let's do weekly, do you know  
11 or remember if those meetings actually did take place  
12 weekly?

13 A I -- I don't recall. This was -- this was  
14 4/29. It -- I really -- I don't recall because I had so  
15 many meetings at that time. But I do remember, you know,  
16 of the programs, hers would be the one, and I do remember  
17 weekly meetings at some point. I just don't know when  
18 they started.

19 Q Okay. And this -- this e-mail exchange was at  
20 the end of April 2020; is that right?

21 A Yes.

22 Q All right. I'm going to show you another  
23 document, and I'd like for the court reporter to mark  
24 this as Plaintiff's Exhibit 702.

25 (Plaintiff's Exhibit 702 was marked for

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1 identification.)

2 Q BY MS. HAMILTON: This is an August 19th, 2020  
3 e-mail from Vickie Cleveland to Shaun Owen and Zelphine  
4 Smith-Dixon with the subject line "Weekly agenda." The  
5 Bates number of the first page of this document is  
6 GA05057496, and there's also an attachment.

7 Ms. Owen, I will give you -- see if you still  
8 have control. Okay. I will give you control just to  
9 take a look at the document, and let me know when you are  
10 ready.

11 A Okay. Okay.

12 Q All right. Great. So as I mentioned a moment  
13 ago, the subject line here says "Weekly agenda," and this  
14 is from Vickie Cleveland, addressed to you and Zelphine  
15 Smith-Dixon.

16 Is Ms. Cleveland referring to the weekly  
17 meetings that she would have been having with you and  
18 Zelphine Smith-Dixon?

19 MS. JOHNSON: Object to form.

20 THE WITNESS: I'm sorry. I'm sorry. Could you  
21 repeat that?

22 Q BY MS. HAMILTON: Sure. So Ms. Cleveland  
23 e-mailed you and Zelphine Smith-Dixon, and here in her  
24 e-mail she says, "See attached agenda for our meeting  
25 today," with the subject line of "Weekly agenda."

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1 Is she referring to the weekly meetings that  
2 she had with you and Zelfhine Smith-Dixon?

3 MS. JOHNSON: Form.

4 THE WITNESS: The -- the schedule -- because  
5 let me clarify. I don't -- you know, I don't -- I don't  
6 know how -- I know I was in a number of meetings, but I  
7 can't tell you which meetings I was in and which I had to  
8 skip for other obligations, but yes, that's what she  
9 would be talking about.

10 Q BY MS. HAMILTON: And I just want to confirm at  
11 the top of her -- of the agenda she circulated, the title  
12 also says "GNETS weekly meeting." Is that correct?

13 A Yes.

14 Q Okay. For the meetings that you participated  
15 in, were there -- was there always a written agenda that  
16 was provided for the meetings?

17 A I don't -- this seems more structured. I think  
18 that -- I don't know when Wina assumed the role. I  
19 don't -- I don't recall having, you know, something this  
20 detailed written out every time. So I don't -- I don't  
21 know that it was always this detailed or provided, but  
22 she -- I would think she would probably have a layout  
23 and, you know, topics, updates that she wanted to  
24 provide, whether it was in this form or a little less  
25 formal.

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1 Q Okay. And then it looks like the agenda is  
2 split up by topics. The first topic here is "Legal  
3 Updates." And I just want to note for the record that  
4 the section was redacted in the document that we received  
5 from the state.

6 The second topic here, it says "Budget." Why  
7 was it important for you to discuss budget issues with  
8 Ms. Cleveland and Ms. Smith-Dixon?

9 MS. JOHNSON: Form.

10 You can answer.

11 THE WITNESS: Okay. Well, first, just to  
12 clarify, I'm not creating this agenda, so it's not that I  
13 think it's -- you see what I am saying? Like I didn't  
14 create it, so I think it would probably be more of what  
15 Vickie felt was important to update us on would be my --  
16 you know, my take on that.

17 Q BY MS. HAMILTON: Okay. Why were you  
18 discussing budget issues during the meeting?

19 A Let's see. Okay. So I'm recalling one of the  
20 meetings, so I'm just going to do the best I can from --  
21 from recollection on this topic.

22 I recall Vickie -- and I don't know if it was  
23 at the request of the LEAs; I'm sure that some of it  
24 initiated from that -- wanting to have more transparency  
25 in how their allocations were determined, and Geronald is



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1 the person who runs that. So I believe that Vickie, in  
2 order to be, you know, transparent about the budget, was  
3 meeting with Geronald to see if we could have a  
4 presentation that sort of walked them through how he  
5 derived the funding formula that drives the allocation.  
6 And I believe there was a presentation to that effect.

7 Q Okay. And to the extent that it looks like  
8 here, Ms. Cleveland had replied here, "Will there be any"  
9 addition -- "any consideration for additional funding for  
10 GNETS," is that a question that in your capacity as  
11 deputy superintendent you are able to respond to?

12 A It -- I mean, if I had -- if I had knowledge of  
13 it, then I could respond to it. But I don't -- I'm  
14 trying to recall if this was -- and again, I'm going from  
15 memory here. If this was about the time that there was  
16 great concern over the state budget overall, and a  
17 recession and the Governor asking state agencies to look  
18 at the potential of a 10 percent cut, at which case -- I  
19 mean, everybody always wants more funding no matter what  
20 it is, but I believe this was more in relation to concern  
21 that there would be a 10 percent cut to the overall  
22 budget for GNETS because it is a state allocation.

23 Q And in your capacity as deputy superintendent,  
24 would you have been able to respond directly to any  
25 questions that she had about budget issues during one of

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1 these meetings?

2 A Typically -- typically for something like this,  
3 you know, the budget is a -- it's a General  
4 Assembly/Governor decision. However, so that is more of  
5 a CFO interaction, as far as that, and we essentially get  
6 what is coming down the pipe to us. But -- but I'm sure  
7 she would still want to make me aware that if there was  
8 any concern on the part of the LEAs for funding and  
9 supporting the GNETS program and, you know. And then if  
10 I could probably convey that up the chain of command  
11 to -- you know, to express to the CFO or to Matt Jones,  
12 the chief of staff, the concern.

13 Q Okay. And in the interest of time, I'm going  
14 to skip through some of these other items.

15 Let's see, the next topic is "LEA  
16 Collaborative." What -- what -- I don't know if I should  
17 say what is or what was the LEA collaborative?

18 A So Vickie meets with -- since the -- you know,  
19 the folks that -- now, for this one, she was having  
20 meetings with the GNETS directors. So as far as the LEA  
21 collaborative, I'm -- I don't want to speculate. It may  
22 be -- because we have a lot of different collaboratives  
23 across federal programs, but, you know, it may have been  
24 the groups that have students in GNETS programs would be,  
25 you know. And again, I'm -- I'm speculating on that

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1 because we have a lot of different collaboratives.

2 Q I'm just curious, why do you think she would  
3 have brought this to your attention during one of these  
4 meetings?

5 A Again, it's not just my attention. This is  
6 how -- this is how -- this, what you are seeing here, is  
7 no different than if you were to pull up a 21st Century  
8 ESSA; they would be doing the exact same thing.

9 So in other words, our, at the time the  
10 director of the ESSA programs, he meets with his program  
11 managers each week, and they go through a variety of  
12 topics, mainly to keep the program -- to keep the  
13 director updated. And then typically, I receive my  
14 update at a higher level from -- from the directors. But  
15 this is a -- this would be a common practice across  
16 federal programs.

17 Q Okay. And so she is providing you with an  
18 update on the plans for the LEA collaborative?

19 A (No oral response.)

20 Q Okay. And then likely for the next topic,  
21 "Supplemental Instruction (iReady)/Assessments,"  
22 Ms. Cleveland is providing you with an update on this  
23 topic as well, correct?

24 A Yes.

25 Q Are there any items -- I guess I'm just trying

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1 to understand, are there any action items that she would  
2 be expecting from you in sharing this particular update  
3 with you, for example?

4 MS. JOHNSON: Object to form.

5 THE WITNESS: I would -- okay. Is there any  
6 action items? I would have to read through it again to  
7 see whether or not there was anything that came out of  
8 that. With the -- with the budget there was -- I recall  
9 there was an action item where she wanted me to -- to  
10 meet with budget to see if they could -- they could go  
11 in. It's not something I think that -- particularly that  
12 particular person would do typically in their role, but  
13 again, you know, we're trying to be very transparent.  
14 And so for that, I think the request was for me to -- to  
15 actually reach out in my capacity to see if -- if I could  
16 get that moving along.

17 Q BY MS. HAMILTON: I see. Okay. And then the  
18 same for LEA collaborative or the supplemental  
19 instruction assessment. Is there any action item, like  
20 if you are looking at this, that would have been expected  
21 of you, or were those purely just updates?

22 A Let's see. No, this -- so this is an update,  
23 because the board item -- this is 2020, so I don't know  
24 if it was all combined. So we -- anyhow, the last board  
25 item I saw, which was not this one, had the GNETS

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1 allocation, state and federal i-Ready, and then for --  
2 and then you will see down there the 11 for the GNETS  
3 receiving the therapeutic support. So this would be an  
4 update on the board item, which would have already gone  
5 through.

6 So again, just, you know, as grants go and  
7 contracts go, particularly if you have to have a contract  
8 that's tied to a grant like this one does, just to keep  
9 us, you know, updated as far as how things are  
10 progressing.

11 Q Okay. And since we are talking about the  
12 therapeutic support topic here, I guess, what grant --  
13 what grant is she referring to?

14 A So that's a -- and I'm trying to think of a --  
15 it's around a \$900,000 grant, and from what Vickie shared  
16 with me, I think that was based off of a needs assessment  
17 that Nakeba had conducted for the -- the sites that  
18 typically had a greater need and potentially less  
19 funding, so that they could get additional funding to  
20 provide the additional therapeutic supports for the  
21 licensed clinical social worker and the master's of  
22 social work, so that -- that additional therapeutics  
23 could be provided. And we're still -- we're still doing  
24 that.

25 Q Okay. And then going back up to strategic plan

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1 review, was this purely an update or are there action  
2 items that were intended to come out of this one?

3 A Okay. If I could read it over real quick --

4 Q Sure.

5 A -- again.

6 All that sticks out with this one is just,  
7 again, Vickie -- and I'm not going back to this because I  
8 don't recall this meeting, obviously, from two years ago,  
9 but that at one point they had updated their -- their  
10 strategic plan.

11 Q Then let's look at these other topics. "GOIEP  
12 updates," what is GO-IEP?

13 A It's an online portal system that we pay for  
14 out of federal funds, and we make that available to any  
15 LEA that wants to participate. And it's a way of --  
16 unlike the paper -- you know, the paper forms that we  
17 used to use where you'd have to go in and sign in, it  
18 basically digitizes and streamlines everything, and it  
19 puts it in this portal, so that it expedites if a student  
20 transfers from one location to the next, you are not  
21 waiting on the paper documents; and it also feeds into  
22 the monitoring and determination so that that information  
23 is -- is in the portal.

24 So it's a -- it's an online platform to collect  
25 and house students' IEP information and the documents

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1 relative to that.

2 Q Okay. And are there any actions that in your  
3 role you would be taking specific to the GO-IEP  
4 information that's shared here?

5 A No, and this would -- this would have been more  
6 of a -- something at the director level. It looks like  
7 she's just -- it's -- this is a system that we do update  
8 and enhance, and when we do -- we have to provide  
9 training on -- on that. So this would not be anything  
10 for -- for me.

11 Q Okay. What about the GNETS monthly webinars?  
12 What were those webinars?

13 A And I don't -- I just know that she was -- she  
14 was meeting with the -- just like any of the programs do,  
15 where they provide technical assistance and updates to --  
16 and every -- every program does it a little bit  
17 differently in how they want to provide the updates, but  
18 I do know that she was meeting with the directors to  
19 share this.

20 We fund those integration -- content  
21 integration specialists in curriculum instruction and  
22 assessment, so I'm sure she was wanting them to talk  
23 about their roles and any resources that they can  
24 provide.

25 Q Okay. And speaking of meetings that

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1 Ms. Cleveland had with GNETS directors, are you familiar  
2 with the statewide GNETS director meetings?

3 A I -- I know that they do meet from time to  
4 time, but I don't have any idea, as far as I don't see  
5 the agenda or know when they are meeting or anything like  
6 that. I don't -- I don't know if Vickie -- I don't --  
7 I'm not even sure if Vickie is -- is part of that. I  
8 know we were invited to be part of one of those, but  
9 beyond that, I don't really know much about it.

10 Q Okay. Do you ever participate in the meetings?

11 A One that -- wait. No, two. I believe two. I  
12 believe one was virtual, and one was face-to-face with  
13 other collaboratives that are directors collaboratives  
14 that are different, and a GNETS director might be in that  
15 collaborative; but specifically the GNETS folks, I recall  
16 twice where I was invited to attend.

17 Q Okay. And for the two meetings that you  
18 attended, approximately what was the time frame for those  
19 meetings?

20 A What do you mean by "the time frame"?

21 Q Uh-huh. The two meetings that you attended,  
22 when did they occur?

23 A Oh, okay. The first one, that was virtual. I  
24 think the face-to-face one was in -- was in June, but I'm  
25 sorry, I don't know off the top of my head. The other,



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1 probably a few months prior to that. I really don't know  
2 without my calendar in front of me.

3 Q Okay. And to the extent that you're saying  
4 approximately June and then approximately a few months  
5 before that, what -- are you referring to 2022?

6 A Yes.

7 Q Okay.

8 A Yes. But that first one, I could be off.  
9 Again, I would need to look at my calendar.

10 Q Okay. Would you say that both of those  
11 meetings were likely in the last year or so?

12 A Oh, yeah. Yes, yes.

13 Q Okay. And what was your role in those  
14 meetings?

15 A Well, the first meeting came about because  
16 they -- the directors were very anxious because there had  
17 been information regarding the budget that was coming out  
18 in the General Assembly, that the allocations that GNETS  
19 currently received might be integrated into a QBE funding  
20 formula instead of as a separate allocation that would  
21 then go directly to the LEAs. And there was a tremendous  
22 amount of concern and anxiety on the part of the GNETS  
23 directors regarding their programs, so they just -- they  
24 wanted -- I did not have additional information to give  
25 them regarding the funding, because that happens at the

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1 General Assembly level.

2 Q Okay. So were you involved in any of the  
3 discussions about those proposed changes to the GNETS  
4 funding?

5 A No. That's a General Assembly thing, so I  
6 wasn't involved in those discussions.

7 Q Okay. And to the extent that the GNETS  
8 directors were asking questions, how did you respond to  
9 their questions during that meeting?

10 A I mean, I -- I just shared with them the fact  
11 that we -- you know, the education budget is part of the,  
12 you know, \$27 billion state budget, and it's allocated as  
13 it's determined by the General Assembly and the Governor,  
14 and that we -- you know, I didn't have any additional  
15 information to share regarding that. And, you know, I  
16 mean, that's -- that's really all I could -- could say.

17 Q How did the GNETS directors respond to that  
18 response?

19 A They -- it was not a satisfactory response for  
20 them.

21 Q And I guess I am just curious as we're -- as  
22 we're talking about the funding proposal that came up  
23 last year, how did you feel about this proposed change to  
24 shift the funding source for GNETS away from the state  
25 grant and more toward the QBE formula?

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1           A    So this is where it's -- I don't know that my  
2   feelings should be a part of this. I mean, you know,  
3   I -- I implement what -- if that's what the General  
4   Assembly wants to do, then, you know, that's -- that's  
5   what we are going to do at the -- at the state level. I  
6   don't know that my feelings are relevant, because we --  
7   you know, we will do what the Governor and the General  
8   Assembly want us to do.

9           Q    Did you have any views, though, on what would  
10   be best for serving -- sorry, what would be the best way  
11   to fund the GNETS program?

12           MS. JOHNSON: Form.

13           THE WITNESS: I -- I will just say, you know,  
14   at the end of the day, I just want to make sure that  
15   these kids' needs are being served and that they are  
16   getting the supports that they need. And it's difficult  
17   to answer that question because, also, every program is  
18   different. Because there are 24 different programs, you  
19   know, run across the -- the state, like schools, they all  
20   vary. So that's -- that's a difficult one to answer.

21           Q    BY MS. HAMILTON: Have you been part of any  
22   discussions pertaining to funding that would be allotted  
23   to the GNETS program for the upcoming school year?

24           A    I'm sorry, there was a ding when you were  
25   giving me the question.

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1 Q Yeah, I heard that, too.

2 I was saying, have you been part of any  
3 discussions pertaining to any funding changes for GNETS  
4 for next school year?

5 A Meaning what it should look like or -- because  
6 those are -- those really aren't decisions that we --  
7 that we make. And no, I have not sat down. I have not  
8 been invited to -- one second.

9 MS. JOHNSON: Can we take just a short break to  
10 clarify the bounds of attorney-client privilege here?

11 MS. HAMILTON: Sure. And --

12 MS. JOHNSON: Just for a minute or so?

13 MS. HAMILTON: Yeah, that's fine, and we'll  
14 probably end up taking a break for lunch soon, too.

15 And I do just want to state for the record that  
16 I don't want you to reveal anything that's been discussed  
17 with your attorney. So yeah, you all can take a quick  
18 moment.

19 THE VIDEOGRAPHER: Okay.

20 MS. JOHNSON: Thank you.

21 THE VIDEOGRAPHER: We will go off the record  
22 now at 12:46 p.m.

23 (The deposition was at recess from 12:46 p.m.  
24 to 12:48 p.m.)

25 THE VIDEOGRAPHER: We are back on the record at

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1 12:48 p.m. Please proceed.

2 Q BY MS. HAMILTON: Okay. And Ms. Owen, my -- I  
3 will repeat the question that I asked previously, which  
4 was, have you been part of any discussions pertaining to  
5 changes to GNETS funding for next school year?

6 A So there -- there have been discussions, but I  
7 believe that falls under attorney-client privilege.

8 MS. HAMILTON: Okay. And I -- I don't know,  
9 Melanie, if there is an objection you want to invoke just  
10 for the record related to this?

11 MS. JOHNSON: So I object to any questions  
12 regarding the -- the substance of the conversations  
13 beyond that if a conversation has occurred and on the  
14 basis of -- of attorney-client privilege.

15 Q BY MS. HAMILTON: Okay. So besides --

16 MS. JOHNSON: Thank you.

17 Q BY MS. HAMILTON: -- the discussion --  
18 Oh, thank you, Melanie, sorry.

19 So Ms. Owen, besides the discussions that you  
20 have had with counsel, have you been part of any other  
21 discussions pertaining to GNETS funding for next school  
22 year?

23 A I've not been included in any -- any  
24 discussions relative to making decisions on funding.

25 Q And are you aware of any plans by the General

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1 Assembly to make changes to funding for the GNETS program  
2 next school year?

3 A So the -- the information that I have is  
4 essentially what -- what came out in the -- in the  
5 proposed legislation.

6 Q Okay. And when you say "proposed legislation,"  
7 you are referring to the legislation affecting the  
8 current school year?

9 A No, because the -- they would -- so it didn't  
10 pass last year, so any -- the General Assembly will start  
11 meeting in January, and budgets won't even be finalized  
12 until months later. So any -- any changes, if they were  
13 to occur, would -- either they would give them a year to  
14 make the adjustment because of the sudden change, or they  
15 would go into effect next year, if -- if that -- that  
16 passed. But again, that's -- that's a General Assembly  
17 thing, but yeah.

18 Q Okay. And in your position as deputy  
19 superintendent, are you able to make recommendations for  
20 how the GNETS program can be funded or should be funded?

21 A Well, again, it's a -- it's a little bit of a  
22 unique position because we don't -- we don't run the  
23 program, so I don't -- I think this would be more -- this  
24 would be more discussions between the General Assembly,  
25 the Governor, and, you know, potentially the CFO or, you

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1 know, OPB, that -- but no, I really -- I don't know that  
2 I would be making personal suggestions about that.

3 Q Okay. Have you ever made recommendations to  
4 any legislators about GNETS funding?

5 A I -- there's a chain of command. I don't  
6 even -- I don't talk to legislators. We have policy --  
7 our policy people would be the ones interacting with the  
8 legislature.

9 Q Okay. And similarly, have you ever made  
10 recommendations to the State Board of Education or  
11 superintendent related to, again, these types of  
12 high-level funding changes?

13 MS. JOHNSON: I'm gonna instruct the witness  
14 not to answer on the basis of attorney-client privilege.

15 Q BY MS. HAMILTON: And I can rephrase that.

16 Do you -- in your capacity as deputy  
17 superintendent, do you make recommendations regarding how  
18 GNETS is funded to the State Board of Education and  
19 superintendent?

20 MS. JOHNSON: I think the same objection.

21 MS. HAMILTON: And, I guess, just to make sure  
22 I understand your objection, Melanie, I'm trying to get a  
23 sense of whether Shaun in her individual capacity can  
24 make recommendations. And you're objecting that that's  
25 privileged?

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1 MS. JOHNSON: Okay. So I think I -- I think I  
2 understood a different question.

3 So okay, so the objection is withdrawn, and you  
4 can say whether you have the ability to make  
5 recommendations to the superintendent.

6 THE WITNESS: I mean, I might have the  
7 ability -- I might have the ability to, but, again, I  
8 think that the reason is just because it's a -- it's a  
9 state allocation. We don't run the program. I -- I  
10 don't know that that's -- that wouldn't be a typical  
11 occurrence.

12 Q BY MS. HAMILTON: Okay. And I'm going to  
13 recommend that we take a break maybe around 1 o'clock for  
14 lunch, but I just wanted to wrap up the topic we were  
15 just discussing.

16 You had mentioned that there were two different  
17 GNETS director meetings that you attended. One of them  
18 was the meeting where discussions came up about funding  
19 for the GNETS program. What was the second meeting?

20 A They -- that was a face-to-face meeting, and  
21 they wanted -- again, I think at the end of the day, they  
22 wanted information regarding funding, which we didn't  
23 have. We don't really have a lot of updates regarding  
24 litigation, but I just -- I essentially went through  
25 the -- the State Board rule, and just again emphasized to



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1 make sure that you are adhering to all portions of the --  
2 the State Board rule.

3 Q Okay. And do you participate in any other  
4 regular meetings as the deputy superintendent that  
5 involved the GNETS program?

6 A Regular meetings, no. I mean, we have in all  
7 federal programs, but that's for all staff members, and  
8 that's -- there's nothing particular to GNETS. It's just  
9 a staff meeting.

10 MS. HAMILTON: Okay. All right. This might be  
11 a good time to take a lunch break, if that works for you,  
12 Ms. Owen and Ms. Johnson. About how much time do you  
13 think you all would need? Like 30, 40?

14 MS. JOHNSON: I'm fine with 30.

15 THE WITNESS: Yeah, that's fine.

16 MS. JOHNSON: But if you need more time.

17 THE WITNESS: That's fine.

18 MS. JOHNSON: 30 minutes.

19 MS. HAMILTON: Okay. All right. So why don't  
20 we say 1:30 we will reconvene.

21 MS. JOHNSON: Great. Thank you.

22 MS. HAMILTON: Thank you.

23 THE VIDEOGRAPHER: We'll go off the record now  
24 at 12:57 p.m.

25 (The deposition was at recess from 12:57 p.m.

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1 to 1:37 p.m.)

2 THE VIDEOGRAPHER: We are back on the record at  
3 1:37 p.m. Please proceed.

4 Q BY MS. HAMILTON: Ms. Owen, I'd like to pick up  
5 with a new topic. When was the first time that you ever  
6 visited a GNETS facility?

7 A I -- I don't have the -- I don't have the exact  
8 date. I really don't. I don't know. I don't know.

9 Q Okay. And I don't need an exact date. I'm  
10 just trying to get a sense of when was the first time  
11 you've ever visited a GNETS facility.

12 So, I guess, start from the premise, you have  
13 visited a GNETS facility, correct?

14 A Correct.

15 Q Okay.

16 A So after the pandemic, the first would have  
17 been when you all started your -- your visits back up.

18 Q Okay. And so, I guess, just to clarify, in  
19 your role working with the Department of Education, you  
20 had never visited a GNETS facility until the United  
21 States began conducting visits?

22 A I believe that is correct.

23 Q Okay. All right. So then, I guess, then,  
24 starting with the United States' visits, I know just  
25 working with the United States there were a number of

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1 GNETS facility site visits. Approximately how many  
2 visits did you participate in that were part of the  
3 United States' site inspections?

4 A I would -- I'm just -- I'm guessing here.  
5 Maybe 20, but I'm -- I'm just guessing at that number.

6 Q Okay. And when you say approximately 20, are  
7 you referring to 20 individual sites or are you saying  
8 like you spent 20 days on-site? I'm just trying to  
9 clarify what the number represents.

10 A 20 days. And some of them -- many of them,  
11 multiple sites in a day.

12 Q Okay. Roughly how many GNETS facilities did  
13 you visit?

14 A I feel like I'm -- I'm just throwing out  
15 numbers here. I don't know, because I don't have the --  
16 I don't have the dates in front of me to really -- to  
17 know that. I'm -- I'm not sure. I don't feel  
18 comfortable speculating. I just didn't keep a running  
19 tally of it.

20 Q Is there anything that would help you refresh  
21 your recollection of how many sites you visited?

22 A Well, I think the -- I think that you all have  
23 the -- the calendar and the list of who attended what --  
24 what sites.

25 Q Did you maintain a list of what sites you were

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1 visiting?

2 A I have been in multiple places as part of, you  
3 know, yes, but I don't have them in front of me, is what  
4 I am saying. I just don't want to be inaccurate in  
5 providing you information.

6 Q Okay. All right. So, I guess, you know, we  
7 want you to be able to answer our questions based on what  
8 you recall. With that said, you are saying that you do  
9 have a list or a documentation somewhere that indicates  
10 what sites you visited?

11 A Yes. I think we received everything from you  
12 all regarding the dates, and then, you know, the  
13 determination would be made of who would go, and then  
14 that was sent back -- back to you all, I believe.

15 Q Okay. And what were the general time frames  
16 for when you participated in the visits? I don't need  
17 exact days, but were there particular times when these  
18 visits were occurring?

19 A I think it all relates to the same question.  
20 I'm not trying to -- I will answer your question if I --  
21 but we've had site visits on and off for the last year,  
22 so it's -- you know, it's hard for me to just pull up  
23 without looking at my calendar because it's just -- it's  
24 one of, you know, other things that I'm doing, so I...

25 Q All right. And I'm just really trying to get a

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1 rough estimate. So, for example, did you participate in  
2 any site visits with us in the last month, with the  
3 United States in the last month?

4 A No, I think the site -- we -- I don't think  
5 we've done in the last month.

6 Q Okay. And so to the extent that there were  
7 site visits -- I'm just trying to look at some of these  
8 dates myself. The site visits that were conducted with  
9 one of our experts named Bob Putnam at the beginning of  
10 December, you didn't participate in those?

11 A Okay. Oh, I'm sorry. Yeah, so Wina Low went  
12 on the last two -- Wina Low went on the ones, I think the  
13 2nd and the 3rd, and I went on those visits prior to  
14 that, to Rockdale, Gwinnett, and a few other sites.

15 The last two, though, that you all have done,  
16 Wina Low went on those, and I did the visits before that  
17 time with your -- your expert and the two lawyers.

18 Q Okay. And the United States also conducted  
19 site visits in late October -- sorry, late October into  
20 the early November time period with our expert Amy  
21 McCart. Did you participate in any of those site visits?

22 A Oh, Amy.

23 Q Yes.

24 A Jamie or Amy?

25 Q Yes, Amy McCart.

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1 A Yes. Yes, I did.

2 Q The United States also conducted a number of  
3 site visits during the April to May of 2022 time frame.  
4 Did you participate in any of the site visits during that  
5 time frame?

6 A I did, yes, and I -- I believe Wina may have as  
7 well.

8 Q Okay. The United States also conducted site  
9 visits during the November to December period of 2021.  
10 Did you participate in any of those site visits?

11 A Yes, I believe so.

12 Q Okay. And I'm just giving out some of those  
13 time periods just to get a general gauge. There  
14 certainly may have been other weeks --

15 A Yeah.

16 Q -- that we conducted visits, but those all  
17 would have occurred in the last year. So just trying to  
18 get a --

19 A Right.

20 Q -- ballpark of when you went on visits.

21 When you conducted -- sorry, when you  
22 participated in those visits, were you acting in your  
23 capacity as the deputy superintendent of federal  
24 programs?

25 MS. JOHNSON: Form.

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1 You can answer.

2 THE WITNESS: Yes.

3 Q BY MS. HAMILTON: Why did you participate in  
4 the site visits with the United States?

5 A So that we would have a DOE representative. I  
6 believe Nakeba had gone to the ones prior to that. But  
7 in reality, I would have probably had the -- our -- our  
8 state director attend more, but she was relatively new to  
9 her role, and because she was new to her role, then I  
10 attended a number of visits.

11 Q Okay. And when you say "state director," are  
12 you referring to Ms. Cleveland?

13 A No. She's a program manager of GNETS. Wina  
14 Low --

15 Q Oh.

16 A -- replaced director Zephine Smith-Dixon.

17 Q Okay. So you're referring to the state  
18 director of special education?

19 A Yes.

20 Q Okay. And I know you mentioned a moment ago  
21 that Ms. Low did attend some of the site visits. What  
22 was the reason then -- I'm just trying to make sure I  
23 understand. What was the reason that she didn't attend  
24 more of them?

25 A Because she was new to her role as state

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1 director, so that would give her more time to do that.  
2 There were -- the ones in, I believe November, those  
3 November -- October and November time frames conflicted  
4 with the annual -- the G-CASE conference. It's the big  
5 annual conference for special ed directors across the  
6 state, and she was also delivering the keynote.

7 Q Were there particular -- when you say she was  
8 new to the role, were there particular skill sets or  
9 qualifications that you wanted her to have before she  
10 conducted the site visit?

11 A I'm not sure I am understanding that -- that  
12 question.

13 Q Sure. You were saying that you didn't have  
14 her -- you didn't have Ms. Low attend more of the visits  
15 initially because she was new to the role, and I am just  
16 trying to better understand, with her being new to the  
17 role, were there particular skill sets or knowledge that  
18 you wanted her to have before she started doing the  
19 visits?

20 A No. She's -- so she's retired from -- she was  
21 a special ed director. She actually held a number of  
22 roles, but that's her background. And she's been at the  
23 DOE for, I don't know, eight, nine years.

24 No, she has all the skill sets, but the issue  
25 is she's having to manage, you know, multiple programs,



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1 as well, and, you know, the LEAs were not -- didn't know  
2 her, so she had to reach out and spend time with the  
3 LEAs, reach out and spend time with the staff. So it --  
4 that -- that's very important for them to see her in her  
5 new role and for her to have an opportunity to engage  
6 with -- with the staff and the stakeholders. So  
7 that's -- that's the reason.

8 Q Okay. I know a moment ago you had also  
9 mentioned that you have probably spent -- you spent  
10 approximately 20 days on-site, some days included  
11 multiple sites. In terms of the number of sites that you  
12 would have seen, I know you don't recall the exact  
13 number, but would you say somewhere between 50 and 100  
14 sites?

15 A That -- that seems rather high. I don't -- I  
16 don't know if it was that many. And again, I just -- I  
17 don't want to be inaccurate, but 50 sites seems --  
18 certainly, nowhere near 100. There were -- we would  
19 go -- well, the -- the last -- the last few visits have  
20 been different, in that we are sitting down all day  
21 with -- not all day, for, I think, three hours with one  
22 LEA or GNETS. The prior visit -- and that was more of a  
23 conversation asking questions -- the prior visits we  
24 might go to two, three sites in a day, so -- but, you  
25 know, but I could be wrong on that, so I just don't want

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1 to give you inaccurate information.

2 Q What do those site visits entail? I know you  
3 were saying the most recent ones you were sitting down  
4 for an hour. What do you mean when you say "sitting  
5 down"?

6 A So the previous visits with Amy, she spent the  
7 majority of the time going into individual classrooms,  
8 GNETS classrooms, and observing, and she might ask a few  
9 questions. The more recent ones with your experts, most  
10 of the time was spent -- rather than visiting, the  
11 majority of the time seemed to be spent asking the  
12 various people around the table a variety of questions  
13 regarding GNETS and various program aspects.

14 Q Okay. And just returning back to the site  
15 visits that you did with your expert Amy McCart, you  
16 mentioned that you attended a number of classroom  
17 observations with her where she might ask a few  
18 questions. Were there any other -- any other parts to  
19 the site inspections with Amy McCart that you  
20 participated in?

21 A What do you -- what do you mean?

22 Q So in addition to classroom observations, did  
23 you do anything else during the site visits with our  
24 expert, Amy McCart?

25 A Well, she would -- she would -- what would I

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1 do? Did I do anything else? That's -- that's -- I'm --  
2 that's the part I'm not understanding. Or did she do  
3 anything else?

4 Q Were there any --

5 A Other than --

6 Q Right. I'm just trying to get a sense like  
7 what the -- what the visits entailed. So you mentioned  
8 that with our expert, Amy McCart, there were classroom  
9 observations, and I'm just inquiring whether there were  
10 any other components to the visit.

11 A Mainly she visited the classroom. There was --  
12 you know, there were times that -- so she would ask  
13 different questions of the GNETS director running the --  
14 running the site. She might ask them questions about,  
15 you know, the number of students or more of the -- the  
16 details day to day. And then she might wrap it up at the  
17 end; there may be a few other questions. She would take  
18 pictures throughout the site. But mainly, most of the  
19 time was just going into classrooms and -- and observing.  
20 And, you know, it would vary the times she would spend in  
21 one class versus another class, and I -- you know.

22 But she set the -- she set the itinerary. So  
23 whatever amount of time or what she wanted to look at or  
24 wherever she wanted to go, I mean, that's -- you know,  
25 that's how the site visits were conducted.

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1 Q And did you all tour the facilities in addition  
2 to doing the observations?

3 A Well, I mean, every site is different, so let  
4 me just think through. So yes, they would go and ask.  
5 They would want to see -- if it was a center, they would  
6 want to see where the library or media center was, where  
7 the cafeteria was. They would want to know their  
8 gymnasium, their playground. So they would want to go to  
9 that.

10 In a school setting, they would oftentimes want  
11 to go and see if a -- if a child was transitioning some  
12 or taking some general ed classes, they would want to go  
13 and see those classrooms where that -- that child  
14 attended.

15 And I'm trying to think if there is anything  
16 else. Yeah, that's -- that seems to be the bulk of it.

17 Q Okay. Did you document your visits when --  
18 when you attended the United States site inspection?

19 A I would -- I would take some notes, and Amy was  
20 taking pictures, and I wasn't always taking pictures, but  
21 then I -- but then I did take some pictures of just  
22 what -- whatever she had taken pictures of.

23 Q You mentioned that you took some notes. What  
24 was the form in which you took your notes?

25 A Some were on paper; some were on an iPad.

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1 Q And you also mentioned that you took some  
2 pictures. What did you use to take your -- your  
3 pictures?

4 A The iPad.

5 Q And you mentioned that you took pictures of  
6 what our expert, Amy McCart, took pictures of. Why did  
7 you choose to do that?

8 MS. JOHNSON: I'm going to object here on the  
9 basis of attorney-client privilege and instruct the  
10 witness not to answer.

11 Q BY MS. HAMILTON: Did you share your notes with  
12 anyone after the site inspections?

13 MS. JOHNSON: You can indicate if you did.  
14 Well, I'm going to caution you not to reveal -- in  
15 responding to the question, I'm not instructing you not  
16 to answer, but I'll caution you not to reveal the content  
17 of any of your notes in answering the question.

18 THE WITNESS: So when you say did I -- did I  
19 share, are you saying the actual physical notes, or  
20 what -- what are you -- what do you mean?

21 Q BY MS. HAMILTON: Yes, did you share your  
22 physical, either paper or electronic notes with anyone  
23 after the site visits?

24 A No. There -- there is a protected folder where  
25 some things have been shared.

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1 Q Okay. And I guess I'm just trying to get a --

2 A Not the -- not the upload. I'm just saying  
3 like scanned of the -- do you see what I am saying?

4 Q Yeah. I guess I'm just trying to get a sense  
5 in terms of if you -- did you share the documents with  
6 other individuals. And I'm just trying to get a sense  
7 of, were there other people who received your notes after  
8 the site visit?

9 A No, I don't believe so.

10 Q Okay. So you didn't share -- you didn't share  
11 your notes with -- your written notes with any of your  
12 State DOE colleagues?

13 A No, I don't believe so.

14 Q Okay. And you didn't share your written notes  
15 with counsel?

16 MS. JOHNSON: Object, and instruct the witness  
17 not to answer.

18 MS. HAMILTON: And I guess -- I guess my --  
19 just to clarify, Melanie, the basis of the objection.  
20 I'm just trying to get a sense of if there is a privilege  
21 being asserted, is this because those notes were shared  
22 with counsel? Or I'm just trying to get that.

23 MS. JOHNSON: Sure. So we're objecting to the  
24 contents of the notes and anything that has been done  
25 with the notes; anything that has or has not been done

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1 with the notes on the basis of work product and  
2 attorney-client privilege and, you know, whether she's  
3 been instructed to do anything with them or not.

4 Q BY MS. HAMILTON: And then, relatedly, with the  
5 photographs, what did you do with your photographs,  
6 Ms. Owen, after the site visits?

7 A Some have been -- some have been uploaded to a  
8 protected folder.

9 Q And I know you've mentioned a protected folder  
10 in connection with the notes and in connection with the  
11 photographs. Just so I understand the protocol that you  
12 all have in place at the DOE, what is the protected  
13 folder?

14 A So if we're sharing anything that is related to  
15 this or -- it's kept in a shared folder.

16 Q Okay. And did any of your colleagues, besides  
17 the attorneys on this matter, have access to that shared  
18 folder?

19 A I'm not sure. Wina and Vickie may have access.

20 Q Okay. And so -- and those are the GNETS  
21 program staff, correct?

22 A I'm sorry, what?

23 Q You -- you said Vickie, and who was the other  
24 person?

25 A Wina, the state director.

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1 Q Wina, okay.

2 Would they be able to access your notes from  
3 the site visits?

4 A No.

5 Q And why is that if they're on the shared  
6 folder?

7 A They're not all on the shared folder.

8 Q Okay. So just to make sure I understand, did  
9 you say Wina Low and Vickie Cleveland have access to the  
10 shared folder?

11 A I believe they do. I'm not a hundred percent  
12 certain.

13 Q Okay. And I'm just trying to clarify, can they  
14 access your notes from the site visits?

15 A No, not -- no, not at this time.

16 Q Okay. And why is that, if they have access to  
17 the shared folder?

18 A Because I haven't transferred it all over.

19 Q Are your photographs, also, you said on the --  
20 on the shared folder, correct?

21 A Some are. I just haven't uploaded all of them.

22 Q So for the ones that are on the shared folder,  
23 can your colleagues, besides the attorneys, access those  
24 photographs on the shared folder?

25 A Well, going back to the same thing, I believe



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1 they have access to that folder. I'm not sure. We have  
2 a number of folders, and there is different levels of  
3 access. And I didn't -- I did not create the folders, so  
4 I'm not -- I'm not a hundred percent certain in that.

5 Q Okay. You are aware that the United States  
6 issued subpoenas to conduct the site inspections of the  
7 GNETS facilities connected to the litigation, correct?

8 A Correct.

9 Q Okay. And how did you learn about the  
10 subpoenas for the site visits?

11 A Through our attorneys.

12 Q Okay. How many -- so I know you were saying  
13 earlier that you spent approximately 20 days on-site;  
14 went to multiple sites. Do you have a sense of how many  
15 of the GNETS programs you were able to see during the  
16 site visits? To the extent that there are 24 regional  
17 programs, do you have a sense of how many of the programs  
18 you visited?

19 A Maybe half or more. And again, I'm -- I'm  
20 speculating on that.

21 Q Is there anything that you would be able to  
22 reference that would enable you to give a more accurate  
23 number?

24 A All the calendar invites on my -- on my  
25 computer. I think it's the same that -- that you all

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1 have because you all set the meeting schedule.

2 Q But I'm asking from your vantage point, is  
3 there anything that you can reference? So you said your  
4 calendar invite; is that correct?

5 A Right. But do you mean in front of me?

6 Q Well, both, really. So it sounds like you  
7 don't have anything in front of you, correct?

8 A I don't.

9 Q Right. So I'm just trying to get a general  
10 sense that if you were able to go back to pull up  
11 information, do you have documentation in some form that  
12 would tell you --

13 A Yes.

14 Q -- how many of the programs you visited?

15 A Yes.

16 Q Okay. And what is that documentation?

17 A My calendar invites, travel documents, and then  
18 the sort of -- it's not an agenda but each one of the  
19 sites listed out for the -- where we were going and what  
20 days.

21 Q Did you do anything to prepare for the site  
22 visits?

23 A No. I was just going as a -- a DOE  
24 representative, and I wasn't -- I wasn't engaging or  
25 asking questions or -- or anything of that nature.

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1 Q Did you have conversations with anyone on the  
2 GNETS program staff from the State Department of Ed in  
3 advance of the visit?

4 A I have -- okay, I'm sorry, one more time.

5 Q Uh-huh. Did you have conversations with anyone  
6 on the GNETS program staff from the State Department of  
7 Education in advance of the visit?

8 A Not that I can recall.

9 Q And just to be clear on what I am referring to,  
10 did you have any conversations with Vickie Cleveland in  
11 advance of the visits about the site visits?

12 A No, I -- I thought you -- did you ask about the  
13 GNETS directors?

14 Q No. My question was -- my initial question  
15 was, did you have conversations with anyone on the GNETS  
16 program staff from the State Department of Education in  
17 advance of the visits?

18 A Oh, okay, I'm sorry. Regarding -- regarding  
19 the upcoming visits?

20 Q Yes.

21 A I -- I may have. I may have informed her  
22 where -- I'm -- I may have had conversations beforehand,  
23 but I don't -- I don't recall specific conversations  
24 relative to the visits.

25 Q To the extent that you're saying you may have

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1 had conversations, what would have been discussed in  
2 those conversations?

3 A Well, that's the part that I'm like -- I don't  
4 know what would have been discussed about the -- the  
5 visits, because I was just going, like I said, as the DOE  
6 representative, just to be there and observe. So I don't  
7 know. If anything -- if there was any discussions, she  
8 might have told me just an overview of the -- the program  
9 or the layout or something of that nature, but I don't --  
10 I don't recall specific conversations relative to the  
11 visits.

12 Q Okay. And when you're saying "she," are you  
13 referring to Ms. Cleveland?

14 A Yes.

15 Q Is there anyone else from the State DOE who you  
16 would have had conversations with in advance of the visit  
17 outside of counsel? I don't need to know about those  
18 conversations.

19 A Right. There would have been probably Wina Low  
20 to coordinate our schedules, to see who might be able to  
21 attend. And then on a few, I might -- I think I may have  
22 sent a -- if you're gonna be out of the office sort of  
23 protocol, to send a calendar invite to your direct  
24 supervisor letting them know that you are going to be out  
25 of the office. So I believe I sent just some calendar

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1 invites to -- to let Matt Jones know that I wasn't gonna  
2 be available.

3 Q Did you have conversations with anyone on the  
4 GNETS program staff -- again, Ms. Cleveland or  
5 Ms. Stevenson -- from the State DOE after the site visit?

6 A I'm sure after some of the -- I am sure after  
7 some of the visits there -- there was -- you know, we may  
8 have talked about the -- you know, the visit, but -- but  
9 not always. It just depend on the -- the schedule.

10 Q After which visits did you have those  
11 conversations?

12 MS. JOHNSON: Form.

13 THE WITNESS: I have no idea.

14 Q BY MS. HAMILTON: Did you document anywhere  
15 where you would've -- when you would have had those  
16 conversations?

17 A No.

18 Q Would there have been meetings scheduled to  
19 have those conversations?

20 A I'm sorry, would there have been?

21 Q Would there have been meetings scheduled?

22 A Oh, meetings scheduled. Specific to a site  
23 visit?

24 Q After the visit.

25 A Right. Let me just -- I don't -- I don't

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1 recall that -- I don't recall scheduling a meeting after  
2 the -- after the visits.

3 Q Okay. You had mentioned that it was important  
4 for someone from DOE to be present at the United States  
5 site visits. Why was it important that someone from the  
6 State DOE be present?

7 A This -- our -- our counsel had advised us to  
8 have someone present.

9 Q Did you have conversations with anyone from the  
10 regional GNETS program staff in advance of the site  
11 visits? And by "regional GNETS program staff," now I am  
12 talking about the staff who were at those facilities.

13 A I don't recall having any conversations prior  
14 to visits about an upcoming visit.

15 Q Yeah.

16 A And now -- yeah, and there were times where I  
17 was -- I know I was in a collaborative community meeting,  
18 and I was informed that we would have -- there would be a  
19 visit that I didn't -- I didn't know about, that that  
20 showed up later; that we were just trying to coordinate  
21 schedules to attend. So I -- I think the -- I think -- I  
22 think the directors were receiving the information and  
23 the subpoenas prior to -- to our visits or our -- our  
24 being informed of them.

25 Q Okay. And when you say you were at a

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1 collaborative community meeting when you found out about  
2 one of the visits, what do you mean? Was it a topic of  
3 discussion at the meeting? Or how did you find out at  
4 the meeting?

5 A No. So just as, you know, we were saying  
6 earlier, there are different collaboratives, and Wina Low  
7 is new to her position, and as part of that, we were --  
8 we would attend some of the -- it's where the special ed  
9 directors pull together to discuss different topics, and  
10 oftentimes a GNETS representative would be there. And  
11 I -- I think it was randomly mentioned that you all would  
12 be visiting, and I just happened to be -- be in the room  
13 when that was mentioned.

14 Q And I know earlier you mentioned that you  
15 wanted to eventually have Ms. Low attend more of the site  
16 visits. Did you consider having Ms. Cleveland attend any  
17 of the site visits?

18 A I think that was a decision that, again, was  
19 made by our general counsel, that -- that it would either  
20 be myself or -- or Wina Low attending the visits.

21 Q Returning back to the question regarding any  
22 conversations with the regional GNETS program staff, did  
23 you provide any guidance to the regional GNETS program  
24 staff prior to the visits about any steps that they  
25 should take in preparation?

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1 A I don't recall providing any guidance in  
2 advance of -- of visits.

3 Q Okay. Did you have conversations with anyone  
4 from the regional GNETS program staff about the site  
5 visits the morning of or right before they occurred?

6 A I'm sorry, what -- I'm sorry, can you repeat  
7 that?

8 Q Uh-huh. Did you have conversations with anyone  
9 from the regional GNETS program staff about site visits  
10 the morning of or right before the visits occurred?

11 A I don't recall conversations. Yeah, I -- I  
12 can't recall conversations about that.

13 Q So, for example, prior to the United States and  
14 the United States' expert visit at the North Metro Buice  
15 Center, did you participate in a meeting that morning  
16 with the principal of the Buice Center, counsel for  
17 Gwinnett County, the Gwinnett County special education  
18 director, the director of the North Metro GNETS program,  
19 and counsel for the RESA and DOE?

20 A When -- when was that?

21 Q This would have been to the visit -- the North  
22 Metro visit to the Buice Center, which would have been in  
23 around May of this year.

24 (Court reporter clarification.)

25 THE WITNESS: Now, there were occasions when we



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1 were sitting -- before people may have gotten there, that  
2 people were sitting around at a table, but I -- I don't  
3 know, but it wasn't a meeting with us.

4 Q BY MS. HAMILTON: Was the United States invited  
5 to participate in those conversations around the table?

6 A I -- well, it typically was just at the site  
7 whenever they showed up, so people might be sitting  
8 around waiting. So it wasn't a meeting, per se, without.  
9 It was just waiting until the DOJ arrived.

10 Q What was the nature of the discussion that you  
11 had during that discussion prior to the start of the  
12 visit?

13 MS. JOHNSON: Form.

14 You can answer.

15 THE WITNESS: I'm -- I'm not -- I'm not sure  
16 what you're -- what you're referencing.

17 Q BY MS. HAMILTON: Sure. So this meeting  
18 that -- of the people who I listed a moment ago, I was  
19 just saying what --

20 A Okay.

21 Q -- was the nature of the discussions?

22 MS. JOHNSON: Object to form.

23 THE WITNESS: I'm trying to -- I think -- I'm  
24 trying to remember what this is referencing. The -- I --  
25 I don't recall what -- what was -- I don't recall what

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1 was being discussed. And at some point, I don't know if  
2 we were -- if we had to be out of the room so that the  
3 people that were in the meeting could have a  
4 conversation.

5 Q BY MS. HAMILTON: And you had said a moment ago  
6 that you all were in the room until the United States  
7 arrived. Were you aware that the United States had been  
8 asked to remain outside of the room so that the group  
9 could conclude its meeting before the site visit started?

10 A And again, I'm just trying to remember back  
11 to -- to any specifics. I don't know. I think that may  
12 have happened a few times where people were waiting; if  
13 they were waiting on their lawyers to arrive, then they  
14 may not want -- if they -- if they were waiting on their  
15 lawyers to arrive, they may not want any DOJ staff to be  
16 in there. But I don't recall any -- any specifics.

17 Q And, I guess, just to make sure I understand,  
18 was it your understanding that they were okay with  
19 counsel for the State of Georgia being in the room but  
20 not the United States' counsel?

21 MS. JOHNSON: Object to form.

22 THE WITNESS: There -- and I don't recall  
23 specifics, but where we also were not allowed in the  
24 room. But sometimes they -- it wasn't even that they  
25 were talking about anything in particular. They just

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1 didn't -- different sites may run it differently and just  
2 not want anybody -- may not want the DOJ in there. And  
3 they may not be talking about anything in particular;  
4 they just wanted to ensure that all their parties were  
5 there before, you know, entering.

6 Q BY MS. HAMILTON: Okay. I want to ask you  
7 about another -- another meeting that took place. So  
8 prior to the United States and the United States' expert  
9 beginning the site visit at the Hamilton Holmes  
10 Elementary School in the North Metro GNETS program, did  
11 you participate in a meeting with your counsel, the  
12 principal of Hamilton Holmes, counsel for the Fulton  
13 County School District, the director of the North Metro  
14 GNETS program, and counsel for the Metro RESA?

15 MS. JOHNSON: Object to form.

16 THE WITNESS: Do you -- can you provide the --  
17 the dates or the -- the actual location, like city that  
18 it occurred in?

19 Q BY MS. HAMILTON: I -- so this also -- this was  
20 a North Metro site visit that also would have taken place  
21 in May of 2022, and this was part of North Metro, so it  
22 would have been in the Metro Atlanta area.

23 A Okay.

24 Q Hamilton Holmes Elementary School.

25 A And am I -- am I aware of what?

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1 Q Did you participate in a meeting with the  
2 individuals that I listed? And I can repeat their titles  
3 and their names if that's helpful.

4 A Yeah.

5 MS. JOHNSON: Object to form.

6 You can answer.

7 THE WITNESS: Okay. Yes, please, if you don't  
8 mind.

9 Q BY MS. HAMILTON: So the question was, did you  
10 participate in a meeting prior to the start of the site  
11 visit at Hamilton Holmes Elementary School with your  
12 counsel, Alexa Ross; the principal of Hamilton Holmes,  
13 Adrienne Grainger; counsel for the Fulton County schools,  
14 Jeff Daniels; director of the North Metro GNETS program,  
15 Cassandra Holifield; one of the North Metro GNETS site  
16 coordinators, Samad Knight; and counsel for Metro RESA,  
17 Reagan Sauls?

18 MS. JOHNSON: Object to form.

19 THE WITNESS: No, I think -- I think what --  
20 you are saying "meetings". It -- I think some of these  
21 things were just a matter of who arrived when, not -- not  
22 an actual meeting, just -- just waiting. And -- and as I  
23 said, I think there was a meeting where I recall, and I  
24 don't know if this was the one where we were told we  
25 would need to -- we would need to leave and not be in

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1 there, because I think they wanted to be able to have an  
2 actual meeting or a discussion without us.

3 But, you know, on a number of occasions, people  
4 were really just -- it's whoever is there, and then they  
5 make the determination of if a team is arriving late or  
6 if they decide that they want to wait for certain parties  
7 before they do that. So it's not a meeting before, and  
8 people might be discussing any and everything or not  
9 anything at all.

10 Q BY MS. HAMILTON: While you were in the room  
11 with these individuals, did you discuss the scope of the  
12 site visit?

13 MS. JOHNSON: Object to form.

14 THE WITNESS: What do you mean by the "scope of  
15 the site visit"?

16 Q BY MS. HAMILTON: What would take place during  
17 the site visit. Did you discuss while you were in the  
18 room with these individuals what would take place during  
19 the site visit?

20 A I don't recall that. I mean, they had the  
21 information. And honestly, they talked to one another.  
22 I mean, as soon as one site visit occurs, I -- I have a  
23 strong suspicion that they call one another and discuss  
24 amongst themselves what had occurred.

25 Q All right. And I'm just trying to get a sense

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1 of what was discussed while you were in the room with  
2 these individuals. Again, I don't know, were you -- I  
3 guess a question for you, were you aware that the United  
4 States was asked to wait in the site coordinator's office  
5 while you all were in that room?

6 A I -- I remember -- and again, I don't remember  
7 specific sites, but I remember once or twice that  
8 happened, but I don't -- again, I don't think it was to  
9 discuss anything; I think it was not everybody from their  
10 party was present. And probably -- in some cases,  
11 possibly being instructed by counsel not to -- to, you  
12 know, move forward until that was the -- the case.

13 Q Okay. So again, for this particular visit at  
14 Hamilton Holmes, while you all were in the room together,  
15 was there any discussion about what questions could be  
16 answered and not answered?

17 MS. JOHNSON: Object to form.

18 THE WITNESS: I don't recall any discussions  
19 about -- about any of that. You're saying, and what  
20 questions could be answered or not answered?

21 Q BY MS. HAMILTON: Uh-huh, correct. I'm just,  
22 again, asking you -- if the answer is no, that's fine.  
23 I'm just trying to understand.

24 A Yeah, I don't -- I don't recall any of that.

25 Q Okay. When you were in the room with those

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1 individuals, was there any discussion about what portions  
2 of the building the group would tour?

3 MS. JOHNSON: Object to form. And I'm also  
4 just going to note an objection on foundation. I don't  
5 think we have established that Ms. Owen even remembers  
6 this particular site visit or meeting.

7 But to the extent that you remember, please go  
8 ahead and answer.

9 THE WITNESS: I -- I don't recall having a  
10 conversation on -- on any of that. I think all that was  
11 worked out in a -- I don't think any of that was a  
12 surprise. I think all that was worked out in advance,  
13 you know, and they were aware of what was -- what was  
14 transpiring.

15 Q BY MS. HAMILTON: And Ms. Owen, I guess just to  
16 confirm, did you -- were you in the room with the  
17 individuals who I listed a moment ago at Hamilton Holmes  
18 Elementary School before the site visit started?

19 A Again, I'm trying to -- I've been to a lot of  
20 different site visits. I'm trying to remember the one  
21 that you're -- you're talking about. And if it's the one  
22 I am thinking of, I think counsel and I were in the room,  
23 but then I think we were -- I think like the DOJ, we were  
24 told to -- to wait at some point, because they wanted to  
25 have a discussion, the -- the parties that were there.

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1 Q And Ms. Owen, did you participate in any  
2 conversations with anyone from the regional GNETS program  
3 staff after site visits were completed?

4 A Now, there may have been a time where we stayed  
5 after just to -- just to talk, because -- just to --  
6 yeah, because we -- we work with some of these folks.  
7 But nothing -- I mean, nothing pops up specifically about  
8 specific conversations.

9 Q And when you say "stayed after just to talk,"  
10 who would have been the individuals who you would have  
11 been speaking with after those visits?

12 A Well, again, I can't think of any specific  
13 places or -- or people. But if I -- you know, if I have  
14 known somebody a while, I might stay and -- and talk to  
15 them, but a lot of times, though, I'm also just getting  
16 in the car and going -- most of these sites were just  
17 going to the next location unless it's the end of the  
18 day.

19 Q And just as an example, Ms. Owen, after the  
20 United States completed its site visit at the last Sand  
21 Hills GNETS facility, did you participate in a meeting  
22 with your counsel, Javier Pico-Prats, the director of the  
23 GNETS program, Talithia Newsome, and counsel for the  
24 fiscal agent, Pete Fletcher and Kim Fletcher?

25 MS. JOHNSON: Form.



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1 THE WITNESS: I'm just -- I'm trying to think  
2 real quick. I -- I don't recall. I think -- I think we  
3 were -- I think everybody was going to the restroom, and  
4 I think the DOJ may have left out before -- before we  
5 did. Yeah, I'm -- I'm just trying to think through it.  
6 But to hold a meeting, no.

7 Q BY MS. HAMILTON: Do you remember going into  
8 the room and the door being closed with these  
9 individuals?

10 MS. JOHNSON: Form.

11 THE WITNESS: After -- after the meeting?

12 Q BY MS. HAMILTON: After the site visit, yes.

13 A So for this one, okay, I'm thinking through.  
14 Yeah, for this one, I -- I -- I did speak to the -- the  
15 director regarding one thing, in my other role regarding  
16 something I wanted to bring to her attention.

17 Q And when you say you spoke to her in your  
18 "other role," what other role are you referring to?

19 A Well, not as part of the -- the visit, but my  
20 role as deputy superintendent and -- yeah.

21 Q And what did you speak to her about?

22 A A classroom, a concern I had relative to  
23 interactions between a teacher and a child in a classroom  
24 observation.

25 Q Was this an observation that occurred during

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1 the site inspection?

2 A Yes.

3 Q What was the nature of the concern that you had  
4 about the interaction that you saw?

5 A I -- I felt that the -- I felt that the teacher  
6 was escalating a situation with a student that I had a  
7 concern about, rather than de-escalating the situation.

8 Q What was happening at the time when you  
9 observed -- when you observed this interaction?

10 MS. JOHNSON: Form.

11 You can answer.

12 THE WITNESS: What do you mean "what was  
13 happening"?

14 Q BY MS. HAMILTON: Sure. So in the classroom,  
15 what was happening to the extent that you felt the  
16 teacher was escalating the situation?

17 A There were -- there were two teachers in the  
18 room, and the -- and one of the students -- there were  
19 only a few students in the room, and one of the students,  
20 I felt like a situation was being created between the --  
21 where the child, it should have been a de-escalation, and  
22 it appeared to me that the teacher continued to inflame  
23 the situation and make the situation progressively worse.  
24 And I felt that the -- the child was embarrassed, and the  
25 situation just seemed to be unnecessarily escalating, and

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1 it concerned me.

2 Q And you mentioned your concern particularly in  
3 your role as deputy superintendent. In what way did that  
4 implicate your -- your position as deputy superintendent  
5 seeing that interaction?

6 A I typically do not say anything. I don't ask  
7 any questions at all, but if -- if a -- if a situation  
8 arises that I feel is of concern regarding the  
9 instruction of a -- in this case a student with a  
10 disability, then, you know, I felt compelled to mention  
11 that to that particular director so that it could be  
12 resolved and that situation did not occur again, yeah.

13 Q Did you have any other conversations with the  
14 regional GNETS staff after the site visit concluded?

15 A I -- I don't recall. I don't recall any  
16 others. I just -- I wanted to address that particular --  
17 that matter.

18 Q Okay. And I guess just to see if I can better  
19 understand what happened with that particular matter,  
20 what exactly did the teacher do to inflame the situation?

21 A She kept -- she kept calling on the child and  
22 wanting the child to talk about his feelings as part of a  
23 restorative circle, but I didn't feel like the practices  
24 had actually been put into place. Because she had  
25 mentioned in advance we are going to do a restorative

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1 circle, and the class didn't seem to understand what that  
2 was, so I didn't know if that was just part of us being  
3 there.

4 But at any point in time, she could have just  
5 let the child not -- not answer. And when she continued  
6 in front of this group and there was, you know, some  
7 cussing going back and forth and the situation was  
8 escalating, and it was becoming concerning, and I thought  
9 that potentially a fight could break out at any point in  
10 time, and I felt that was being exacerbated by the  
11 teacher, and it -- it could have been de-escalated.

12 Q Okay.

13 A And the director shared that concern.

14 Q You said the director did share that concern?

15 A Yes.

16 Q Do you know if any action was taken after the  
17 site visit in connection with that particular teacher or  
18 student?

19 A I don't -- I don't know, but the -- the sense  
20 that I received was that -- the sense I received was that  
21 she was going to address the matter.

22 Q How many times, roughly, did you raise these  
23 kinds of concerns with GNETS directors during the course  
24 of the site visit?

25 MS. JOHNSON: Object to form.

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1 THE WITNESS: I really didn't -- I didn't  
2 really see -- that's the only one that -- that comes to  
3 mind. That was just concerning to me, and again, my fear  
4 of -- my fear of it escalating to physical violence in  
5 the classroom and someone getting hurt was -- was a  
6 driving factor in that.

7 Q BY MS. HAMILTON: Do you have any view, based  
8 on what you saw in the moment that day, as to why the  
9 teacher would have announced a restorative circle that  
10 the students were unfamiliar with?

11 MS. JOHNSON: Object to form.

12 You can answer.

13 THE WITNESS: You know, it's difficult to --  
14 it's difficult to speculate, and I -- but, you know, when  
15 you -- when someone is being observed and they know that  
16 there are -- you know, the purpose of GNETS, a big  
17 purpose is to provide therapeutic support to, you know,  
18 our most severely at-risk students with severe emotional,  
19 behavioral and social challenges, and therapeutics is  
20 supposed to be a big aspect of that, and, you know, I  
21 don't know like with a classroom observation, if she was  
22 looking for opportunities.

23 The situation had already escalated and, you  
24 know, then the -- and there was, you know, cussing back  
25 and forth. And like I said, I was concerned, and that's

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1 when she mentioned the restorative circle, and then it  
2 just continued, I thought, to get -- to get worse.

3 And yeah, I was just -- I was concerned for  
4 the -- for the students' safety, for the safety of the  
5 children and staff in the room and, you know, felt like I  
6 needed to -- I would have been remiss had I left and not  
7 addressed it with that executive director, as the one  
8 responsible for that program, so that she could do  
9 something to retrain that staff member, assist them.  
10 Because I -- I want to make sure these children are  
11 receiving the help and assistance and the skills and the  
12 tools they need.

13 Q BY MS. HAMILTON: Okay. Is this an issue that  
14 you also would have brought to the attention of  
15 Ms. Cleveland?

16 A This particular one, I -- this particular one,  
17 I am -- yeah, I'm certain that I would have probably  
18 mentioned this to -- to Vickie, yes.

19 Q And do you know if there was any follow-up on  
20 the part of Ms. Cleveland to check back in with the  
21 particular GNETS program regarding the issue -- or I  
22 should say regarding the incident?

23 A I -- I don't know. And again, this was a --  
24 because we don't oversee the program because we can't --  
25 we don't mandate or run it, and it's local control.

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1 This, to me, was a safety concern, and so I don't -- in  
2 her role as GNETS, I don't know that she would have  
3 followed up on this. I'm not -- I'm not certain.

4 Q Do you know if anyone from the State DOE  
5 besides Ms. Cleveland followed up afterwards?

6 A I -- I do not.

7 Q As you were attending the site visits, were  
8 there particular things that you were observing for?

9 A Well, I mean, I was looking through the -- I  
10 mean, what was mentioned in the -- in the lawsuit.

11 Q And when you say "what was mentioned in the  
12 lawsuit," what are you referring to?

13 A Is this the least restrictive environment for  
14 children with disabilities? Are there equity of  
15 services? Do they have an opportunity to interact with  
16 their nondisabled peers?

17 Q Did you rely on any particular training or  
18 experience as you were making those observations at your  
19 site visit?

20 A I've been an educator for, I think, 28 years,  
21 and I've conducted site visits. You know, I've had  
22 students with disabilities in my classroom and just basic  
23 interacting skills with -- with students and  
24 de-escalating situations in the classroom.

25 Q And when you say that you relied on your

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1 experience as an educator for 28 years, how did that  
2 assist you in being able to look at the issues related to  
3 this case that you listed a moment ago?

4 MS. JOHNSON: Form.

5 THE WITNESS: So -- okay. So I -- did that  
6 question switch? Which?

7 Q BY MS. HAMILTON: No, we are still talking  
8 about the same topic. So a moment ago I asked did you  
9 rely on any particular training or experience when you  
10 were making your observations during the site visits, and  
11 one of the things you said --

12 A Oh, I'm sorry.

13 Q -- was your experience as an educator, and so I  
14 was just asking for more clarification about what aspects  
15 of your experience as an educator that helped you as you  
16 were making your observation.

17 A Okay. All right. I thought you meant that  
18 particular scenario.

19 Q Just in general.

20 A Yes. I mean, yeah, so the same answer. Years  
21 and years of -- of experience in the field. Studying,  
22 research, or reading up on different things. But, I  
23 mean, 28 years in the field and working with students and  
24 knowing best practices in the classroom, and then --  
25 yeah.



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1 Q And to the extent that -- one of the things you  
2 mentioned a moment ago was a consideration of visits at  
3 LRE. Does -- what does LRE stand for?

4 A Least restrictive environment.

5 Q Okay. So like to the extent that one of the  
6 things that you were looking for is this the least  
7 restrictive environment, what, from your training or  
8 experience, informed that?

9 MS. JOHNSON: Form.

10 THE WITNESS: The same -- same answer as  
11 before.

12 Q BY MS. HAMILTON: And can you remind me what --  
13 what that would be?

14 A Experience in education for 28 years. 13 years  
15 in the classroom. Working with critical instruction and  
16 assessment. Working with practitioners. Working with  
17 children. I mean, I taught students with disabilities.

18 Q And then similarly, in conducting the facility  
19 tours, was there any particular training or experience  
20 that you relied on in making your observations?

21 A The same as before. I mean, so you're looking  
22 at access. You're looking at transitioning back. You're  
23 looking at integration into the general ed classroom,  
24 opportunities.

25 However, that being said, I just want to note,

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1 again, we don't run this program, so going into the  
2 classrooms, primarily, you know, just observing, not  
3 asking any questions. I don't have these children's  
4 IEPs, so I don't know what -- I don't know what's  
5 involved in all of that.

6 So when we go into a classroom, I'm really  
7 just -- I'm not getting nearly the information that your  
8 expert, nor am I asking to, because again, we don't -- we  
9 don't run these. We don't sit in on the IEP meetings,  
10 the evaluation, the assessment, the planning. So I -- I  
11 don't have the -- the data that -- that -- that she has.

12 So all I can see is what's directly there  
13 happening at that moment in front of me. I don't have  
14 any additional information regarding the situation or the  
15 students. So to that degree, then no, I don't have that  
16 information.

17 Q Did you receive any requests from the GNETS  
18 directors or other regional GNETS staff for copies of  
19 your photographs?

20 A No.

21 Q Did any of the --

22 A Not that I recall.

23 Q Go ahead.

24 A I'm sorry. Not that I recall, no.

25 Q Okay. Did any of the GNETS directors or

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1 regional program staff ask for the opportunity to review  
2 your photographs that you took during the site visits?

3 A No. They were in the room the entire time, and  
4 it was -- I think what they may have done was ask for --  
5 I think they can receive the photographs that you all  
6 took, and they're -- they're pretty much identical.

7 Q Okay. Did you receive any requests from the  
8 attorneys for the fiscal agent for the GNETS program for  
9 copies of your photographs?

10 A No, not that I recall.

11 Q Did any of them -- did any of the attorneys for  
12 the fiscal agents of the GNETS program ask to review the  
13 photographs that you took during the site visits?

14 A So -- so there were occasions when your expert  
15 at different times was -- would take pictures of  
16 different things, and there were a few occasions where  
17 the attorneys were concerned that there might have been  
18 student data on there, in which case they would review  
19 Amy's pictures, your expert's pictures. And then if she  
20 had a picture that was of concern, then the lawyers would  
21 discuss that.

22 And she would -- and if they agreed to erase  
23 it, then she would delete it, and then she would delete  
24 it from her deleted folder. And if I had that same --  
25 because she was ahead of me, so I would not have all the

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1 pictures that she has, typically, but if I did have that,  
2 then I would -- I would also delete that picture.

3 Q Okay. And you said that the photos that you  
4 and Amy took were pretty much identical. How do you --  
5 how do you know that that was true?

6 A Because we were in the room at the same time,  
7 so if she took a picture, I would just take a picture of  
8 the same thing.

9 Q Did you take pictures of anything beyond what  
10 you saw Amy take?

11 A I don't -- I don't believe so. I -- sometimes  
12 I would think to take pictures of the outside of the  
13 building so that I could recall which site. But I don't  
14 know if -- I don't know. Amy may have done that as well.  
15 That's the only thing I can think of.

16 Q Okay. And I know a moment ago you were saying  
17 that if counsel for the fiscal agent for the GNETS  
18 program asked Amy or Ms. McCart to delete one of her  
19 photos, that you would also go back and delete the same  
20 or similar picture on your end? That's correct?

21 A Correct.

22 Q Did counsel for the regional GNETS programs  
23 ever give you directions during the site visits to take  
24 specific pictures?

25 A No. No, there might be an occasion, so I

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1 would -- sometimes I might inform them, just so that they  
2 know, because there's always concern around students and  
3 student identity, so I may just say that we were -- that  
4 I would -- I might take pictures of what the expert was  
5 taking pictures of. So they were in the room as well,  
6 and they might say, she took a picture of this, if I --  
7 if I wasn't aware of it, but that's it.

8 Q Okay. And just as a specific example, during  
9 your visit to the Tri-Cities High School, this is in  
10 North Metro, did the attorney for Metro RESA, Reagan  
11 Sauls, direct you to photograph a de-escalation room?

12 MS. JOHNSON: Object to form.

13 You can answer.

14 THE WITNESS: No, I think -- I think -- I don't  
15 recall that, but as close as I would recall might be that  
16 Amy -- typically, it would be if -- if I was just behind,  
17 and -- and they realized that the -- that the expert had  
18 taken a picture and I had missed it. That's the only  
19 thing I recall, but not specifically directing me to take  
20 pictures of anything.

21 Q BY MS. HAMILTON: Okay. Just to make sure I  
22 understand before moving on, when we were talking about  
23 the role of counsel for the regional GNETS program, I  
24 said role of the fiscal agents for the regional GNETS  
25 programs, and I had asked you did they ever ask for an

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1 opportunity to review your photographs directly, what --  
2 what was your answer to that?

3 A Typically, they would want to review the  
4 experts, and then the expert would show -- if it was a --  
5 if the lawyers agreed that it was to be removed then, the  
6 expert would show me the picture, and then I would go  
7 through, and if I had the same picture, I would delete  
8 it.

9 Q Correct. But did they ever ask you on the  
10 front end to review your pictures, the counsel for the --

11 A I don't believe --

12 Q -- regional GNETS program?

13 A I don't believe so, because again, I was taking  
14 pictures of -- of whatever the expert was taking pictures  
15 of.

16 Q And to the extent that there were some  
17 situations where it sounds like the attorneys for the  
18 regional programs or fiscal agents were advising you  
19 about taking photos that you might have missed, what was  
20 the basis for why they would have been asking you to do  
21 that?

22 MS. JOHNSON: Object to form.

23 You can answer.

24 THE WITNESS: Only because I -- if at the  
25 beginning I might have said I'm just taking pictures.

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1 Because my concern was, I just didn't want them to think  
2 I was, you know, just taking various pictures. It was  
3 because, again, they have a lot of concerns around  
4 student privacy, so that would be the only reason.

5 MS. HAMILTON: All right. And I note we've  
6 been going about an hour and a half since our last break.  
7 Ms. Owen or Ms. Johnson, do either of you need a break?

8 MS. JOHNSON: I'm okay.

9 THE WITNESS: I'm okay.

10 MS. JOHNSON: We can keep going.

11 MS. HAMILTON: All right. Let me know if there  
12 is a point, Ms. Owen, where you want to take another  
13 break. And maybe if -- yeah, we will play it by ear, but  
14 maybe by 3:30, if we haven't taken one at that point,  
15 maybe we will just pause for like five or ten minutes.

16 Q BY MS. HAMILTON: All right. Ms. Owen, what  
17 were your general impressions of the GNETS program, based  
18 on your participation in the United States site  
19 inspections?

20 MS. JOHNSON: Form.

21 THE WITNESS: Well, it's -- it's difficult  
22 because every site is run differently. Every site looks  
23 different. So it's -- you know, if you were to ask me,  
24 you know, what's my general impression of all schools  
25 across Georgia or all districts across Georgia, it's

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1 local control. They all look different. They all run  
2 their programs differently.

3 So -- and again, I don't -- I don't have these  
4 children's IEPs to really know is this the least  
5 restrictive environment for this child, you know, what --  
6 what needs does this child have? I really don't have --  
7 I don't have that information, so it's hard to just make  
8 a generalized statement about GNETS in general.

9 Q BY MS. HAMILTON: So based on your experience  
10 serving as the deputy superintendent, were there any  
11 things that you observed at the GNETS facilities that you  
12 felt were particularly effective?

13 MS. JOHNSON: I'm sorry, particularly what?

14 MS. HAMILTON: Effective.

15 MS. JOHNSON: Object to form.

16 You can answer.

17 THE WITNESS: How are you -- how are you  
18 defining "effective"?

19 Q BY MS. HAMILTON: I kind of want to give you  
20 flexibility in determining how broadly you want to  
21 interpret that, but that you felt were particularly  
22 effective or helpful in serving the students' population  
23 for GNETS?

24 MS. JOHNSON: Form.

25 But you can answer.



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1 THE WITNESS: Again, it's -- it's hard to say.  
2 You're in the -- you're in the classroom for -- you know,  
3 there are times we were in a classroom for two minutes  
4 observing children. There were other times we might be  
5 observing for 40 minutes a child on a computer. It's --  
6 it's just hard -- it's hard for me to say, because I  
7 really -- I don't -- at the end of the day, I don't know  
8 what these children's needs are. With a number of these  
9 students, you don't know do they transition to a general  
10 ed classroom.

11 There are overall questions that are asked  
12 about opportunities to, but I don't -- I don't really --  
13 there's just a lot of information I don't have to be able  
14 to make that -- that kind of a determination on  
15 effectiveness. And it also depends on how you define  
16 "effectiveness." So it's just difficult to answer that  
17 question.

18 Q BY MS. HAMILTON: I just want to make sure I  
19 understand. So GNETS falls under the federal program  
20 division; is that correct?

21 A Yes. Yes.

22 Q And as the deputy superintendent of federal  
23 programs, you meet with Ms. Cleveland about -- about the  
24 GNETS program; is that correct?

25 A Sometimes, yes.

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1 Q And there are -- and, well, correct me if I'm  
2 wrong, but there are expectations about how the GNETS  
3 programs should be operating according to the board  
4 rules; is that correct?

5 MS. JOHNSON: Object to form.

6 THE WITNESS: Yes. Yes.

7 Q BY MS. HAMILTON: Okay. So I'm -- I'm really  
8 just trying to get your opinion on whether in your  
9 capacity as deputy superintendent you were seeing the  
10 GNETS programs operating the way that they are supposed  
11 to be operating according to the rules.

12 And so, for example, my last question was, are  
13 there any things that you observed at the facilities that  
14 you thought were particularly -- like done particularly  
15 effectively. You don't have an opinion on whether there  
16 was anything that was being done effectively?

17 MS. JOHNSON: Object to form.

18 THE WITNESS: Well, okay, so if I could go back  
19 to your -- the -- the previous part, when you say,  
20 according to the -- the board rule. So, you know, if you  
21 look at the scope of what we do at the department, it --  
22 you know, we receive the funds. We flow through the  
23 funds to the LEA. There's an application process that  
24 Vickie looks at that has numerous components to it.  
25 There's the budget aspect of it as well.

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1           The policies and procedures, that's done, you  
2 know, with a cross-functional monitoring and our -- and  
3 our RDA team, and -- but as far as the -- the  
4 effectiveness, you know, we're just -- we're not -- we  
5 don't run these programs. We're not in those classrooms.  
6 We don't sit on the IEP meetings. We don't -- you know,  
7 we flow through Title -- you know, 5-, 600 million of  
8 Title I funds, but we're not in those classrooms to see  
9 how it's implemented.

10           We have end-of-the-year data regarding student  
11 achievement, but beyond that, it's just -- it's -- you  
12 know, it's very difficult to -- to make that  
13 determination. There's certain components that GNETS  
14 have to fulfill relative to the grant, but beyond that,  
15 the -- you know, the day-to-day operations, who they're  
16 going to hire, what students are in, you know, their  
17 GNETS program, if they're gonna run it as a -- you know,  
18 as a school or a site based, every bit of that falls  
19 in -- you know, that's -- it's all GNETS, so local  
20 control.

21           So it's just very difficult to answer your  
22 question.

23           Q   BY MS. HAMILTON: Okay. And just to be clear,  
24 I wasn't asking who was controlling the programs; I was  
25 just asking in your capacity as deputy superintendent

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1 observing these facilities, was there anything that you  
2 felt was particularly effective that you observed or that  
3 was done well? So you're saying you don't have an  
4 opinion on --

5 A Okay.

6 Q -- on that?

7 MS. JOHNSON: Objection.

8 You can answer.

9 THE WITNESS: The -- so given the purpose of  
10 GNETS, the GNETS facilities that have -- that have more  
11 therapeutic supports, more resources for kids, more  
12 training for teachers, more integration back into a  
13 general ed setting, greater opportunity and access, like  
14 their nondisabled peers, then, yeah, those -- those  
15 programs -- those programs would be ones that I would say  
16 would be more effective.

17 The transition plan back for students, so that  
18 they can transition back into a general ed classroom to  
19 the greatest extent possible, that would be what I would  
20 say, for effectiveness, that's what would be more  
21 effective to -- to me, to better serve and support these  
22 children.

23 Q BY MS. HAMILTON: And during your site visits,  
24 did you observe any facilities that were doing the things  
25 that you just named, and I should say that were doing it

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1 well?

2 A Yes, yes, but -- well, again, and I'm not --  
3 there is just so many site visits, and I'm trying to --  
4 to think through. And I didn't always -- a lot of times  
5 I didn't have the information, but there were times  
6 where -- there were times when we were going, and you  
7 would see that this child was, you know, going to a  
8 general ed auto mechanics class and fully engaged. There  
9 were, you know, times where if a student was half day or  
10 was able to be on the sports team or, you know, serve  
11 on after-school activities, things like that.

12 There were, you know, others where, you know,  
13 there were a number of opportunities, the staff, where  
14 they might have, you know, counselors or school  
15 psychologists or a tremendous amount of Wraparound  
16 services, or places in the school where outside agencies  
17 might come in and work with the kids or work with the  
18 families for that additional level of support. Those  
19 would be -- I would -- you know, I would say more  
20 effective for -- for students.

21 Q Were there any specific facilities that you  
22 remember that stood out in a positive way for -- for  
23 doing any of the things that you just named?

24 A And again, I think if I had not been on so many  
25 site visits, I would have been able to go through and

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1 give you specifics. But there -- yeah, there are some  
2 sites that -- that do that. I just -- I can't think off  
3 the top of my head. It's really more of an amalgam of  
4 things that I saw that I was pulling from, and hearing  
5 the directors talk about the resources that they provide  
6 for students.

7 Q If you had your notes in front of you, would  
8 that help you to recall?

9 MS. JOHNSON: Objection. That would require  
10 her to reveal contents of her notes, so I would instruct  
11 the witness not to answer.

12 Q BY MS. HAMILTON: Is there anything that you  
13 can reference, Ms. Owen, that would help you to recall  
14 the facilities that stood out to you in a positive way?

15 A Not off the top of my head. Not off the top of  
16 my head. I'd have to -- I'd have to sit down and -- and  
17 think about it some more, just go through the site  
18 visits. And then, you know, the budget always helps, to  
19 see where the resources are spent as well. But I  
20 don't -- you know, I don't have any of that. But that's  
21 not something I would typically even -- I'm not at that  
22 level.

23 But just like with all schools there -- there's  
24 clearly -- you know, there is -- there is a difference  
25 in, you know, how the -- the schools are administrated

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1 and how they -- how they utilize their resources.

2 Q Okay. Sitting here today, you can't cite one  
3 program where you remember the things that you saw that  
4 were done particularly well?

5 MS. JOHNSON: Form, and asked and answered.  
6 You can answer.

7 THE WITNESS: But please don't take the fact  
8 that I can't recall that they don't -- that there aren't  
9 any. I just -- I can't -- you know, I can't -- I just  
10 can't recall off the top of my head. And, you know, some  
11 might be -- you know, be strong in certain areas and not  
12 as strong in others.

13 And also, just keep in mind, my visits were  
14 just a snapshot of going in and out of these classes and  
15 listening to the questions that were -- were asked by  
16 your expert, and trying to glean from that what -- what I  
17 could. A lot of information I just don't have access to  
18 to really have the full picture.

19 MS. HAMILTON: All right. I think it would be  
20 helpful to take maybe a five-minute break, unless,  
21 Ms. Owen or Ms. Johnson, you all need any more time?

22 MS. JOHNSON: That works for me, if it works  
23 for Shaun.

24 MS. HAMILTON: All right. So we will pick back  
25 up at 3:30.

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1 THE VIDEOGRAPHER: Okay. We are going off the  
2 record now at 3:25 p.m.

3 (The deposition was at recess from 3:25 p.m. to  
4 3:35 p.m.)

5 THE VIDEOGRAPHER: We are back on the record at  
6 3:35 p.m. Please proceed.

7 Q BY MS. HAMILTON: Okay. Just give me one  
8 second. I'm trying to organize my notes here.

9 All right. Ms. Owen, I wanted to ask you about  
10 some of the specific programs and facilities that you  
11 visited as part of the United States site inspections.  
12 You participated in the Horizon Academy site inspection  
13 in Valdosta; is that correct?

14 A Yes.

15 Q And that took place in May of this year; is  
16 that right?

17 A I'm relying on your dates.

18 Q Do you remember it taking place within the last  
19 few months?

20 A Well, if it was in May, then no. But are you  
21 talking about the -- the second visit? You are saying  
22 the first one occurred in May; then there was a second  
23 visit within the last few months.

24 Q I'm referring to --

25 A There were two different visits, I believe.



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1 Q The one at Valdosta?

2 A Right. There were -- there were two to  
3 Valdosta, I believe.

4 Q Okay. And then there was also a site visit to  
5 the Moultrie location as well for Horizon Academy. Did  
6 you participate in that one as well?

7 A I -- I believe so. Was it on the same visit?  
8 I believe -- I believe so.

9 Q Okay. Well, I want to focus on the Horizon  
10 Academy site inspection in Valdosta. Who is the GNETS  
11 director of the Horizon Academy GNETS program?

12 A Sam Clemons, I believe is his name.

13 Q Okay. And I'm going to share a document with  
14 you. I'd like for the court reporter -- I'd like for the  
15 court reporter to mark this as Plaintiff's Exhibit 702  
16 (sic).

17 (Plaintiff's Exhibit 703 was marked for  
18 identification.)

19 Q BY MS. HAMILTON: This is a May 23rd, 2022  
20 letter from Victoria Lill and Andrea Hamilton to Josh  
21 Belinfante and Beth Morris. It's a little over two  
22 pages.

23 Ms. Owen, have you seen this document before?

24 MS. JOHNSON: Andrea, I just want to point out  
25 there was a message that we're on Exhibit 703. I don't

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1 know if you need to correct anything.

2 MS. HAMILTON: Okay. Ms. -- Ms. Daughtry, can  
3 you confirm that in terms of the exhibit count, is this  
4 Exhibit 703? I can correct that for the record.

5 THE COURT REPORTER: Yeah, it will be 703.

6 MS. HAMILTON: Okay. Great.

7 Q BY MS. HAMILTON: So Ms. Owen, I am showing you  
8 Plaintiff's Exhibit 703.

9 MS. HAMILTON: And Ms. Daughtry, I just want to  
10 correct that for the record, for you to mark this as  
11 Exhibit 703. Thank you.

12 Q BY MS. HAMILTON: Ms. Owen, returning back to  
13 my question, are you -- have you seen this document  
14 before?

15 A I would need to actually read it.

16 Q And again, Ms. Owen, just so you know what  
17 you're looking for, my question is, have you seen this  
18 document before?

19 A Yes, I have.

20 Are you going to ask me questions relevant to  
21 it? Because I would like to finish reading it. If not,  
22 that's fine.

23 Q We'll walk through it together, and you're  
24 welcome to scroll up and down as we go, but I think it  
25 might actually be helpful for me to start asking the

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1 questions so you'll have a better sense of what -- what  
2 you are looking for.

3 A Okay.

4 MS. JOHNSON: If you feel like you need to read  
5 the entire thing for context, though, then feel free to  
6 finish reading.

7 THE WITNESS: Can I scroll to the bottom? Do  
8 you mind?

9 Q BY MS. HAMILTON: Yeah.

10 A Okay. Thank you.

11 MS. JOHNSON: Sorry, I didn't mean to  
12 interrupt. There's a bit of a delay.

13 THE WITNESS: Okay.

14 Q BY MS. HAMILTON: And Ms. Owen, so just  
15 starting here at the beginning of this letter, it notes  
16 here that the attendees at the site visit included  
17 Victoria Lill and Allison Ewers from the United States,  
18 Danielle Hernandez from the State of Georgia, along with  
19 Shaun Owen, the deputy superintendent for federal  
20 programs, and Hieu Nguyen as counsel for Horizon  
21 Academy's fiscal agent.

22 So you do see here where we have noted that you  
23 were in attendance at this site visit; is that correct?

24 A Correct.

25 Q And you remember being at this visit; is that

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1 correct?

2 A I do.

3 Q The letter here states that -- sorry, I'm in  
4 the second paragraph, that "The Horizon Academy is  
5 located within a wing of a sprawling building that once  
6 housed Valdosta High School."

7 Is it correct that the Horizon Academy was  
8 located in a separate wing of the school?

9 A Yes.

10 Q And then the letter goes on to state, here in  
11 the third paragraph, "Grass and plants -- Grass and  
12 plants grew in cracks throughout the sprawling parking  
13 lot and in gutters all around the building."

14 Do you agree with that statement?

15 A Yes.

16 Q And then as it continues on, it says, "Light  
17 posts across the exterior of the facility were rusted and  
18 tilting sideways, with dirty, broken lamps atop."

19 Do you agree with that statement?

20 A I don't recall that specifically, but I'm  
21 assuming if it's in this document, it's accurate.

22 Q Is there anything in particular about it that  
23 you would disagree with?

24 A No, I'm just -- you asked me if I recall that.  
25 I -- I don't recall that specific thing.

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1 Q And then moving on to the next sentence, it  
2 says, "Fencing surrounding the building, parking lots and  
3 athletic facilities was broken, severely bent and  
4 rusted."

5 Do you agree with that statement?

6 A I -- I believe -- I believe that's accurate.

7 Q The letter goes on to state here in this  
8 sentence, "As we approached from the parking lot near the  
9 entrance to the portion of the building used by the  
10 Horizon Academy, we passed multiple broken gutter  
11 downspouts lining the facade of the brick building."

12 Do you see that, what I just read?

13 A Yes, I -- I do. I don't recall that, but  
14 again, I'm -- I'm assuming it's accurate if it's in this  
15 document.

16 Q And then in this next sentence, it says, "In  
17 those locations, the ground and base of the building  
18 where the drain downspouts had broken off was blackened  
19 with rot, raising concerns about the integrity of the  
20 building's foundation."

21 Do you agree with that characterization of the  
22 facility's condition?

23 MS. JOHNSON: Object to form.

24 You can answer.

25 THE WITNESS: Again, I don't recall that

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1 specifically, but I'm -- I'm not -- I'm not objecting, if  
2 it's -- if it's in this document.

3 Q BY MS. HAMILTON: Based on your own  
4 observations, what were your -- what were your personal  
5 takeaways as the deputy superintendent regarding the  
6 exterior of the Horizon Academy facility?

7 MS. JOHNSON: Object to form.

8 THE WITNESS: In line with this report, or this  
9 letter?

10 Q BY MS. HAMILTON: Consistent with the letter,  
11 but sort of apart from what the United States has noted  
12 here, based on your own observations, did you have any  
13 other takeaways regarding the exterior of the building?

14 MS. JOHNSON: Form.

15 THE WITNESS: That it was located behind a  
16 closed high school.

17 Q BY MS. HAMILTON: And what in particular is  
18 relevant about it being located behind a closed high  
19 school?

20 MS. JOHNSON: Object to form.

21 THE WITNESS: Well, I mean, I've just never  
22 seen that before where you have a high school that's  
23 closed and you have students in a facility attached to  
24 a -- a closed facility. So that you're going around the  
25 building to get to the back of the building to get into

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1 GNETS. I've just never seen that before.

2 Q BY MS. HAMILTON: Given that arrangement, did  
3 that create any concerns for you about the students'  
4 experience attending school in this facility?

5 A Yes.

6 Q And what were those concerns?

7 A That that was not an appropriate environment  
8 for children to be in.

9 Q Did you have any other concerns -- and  
10 actually, I guess, let me just ask one quick follow-up.  
11 When you -- when you say that it's not an appropriate  
12 environment for the students to attend, what -- what  
13 about that makes it inappropriate?

14 MS. JOHNSON: Form.

15 THE WITNESS: Well, you would want -- you would  
16 want children attending, you know, a well-kept facility,  
17 not attached to something that's closed, and not with the  
18 health concerns that were mentioned.

19 Q BY MS. HAMILTON: All right. So continuing on  
20 in the letter where it starts to talk about the condition  
21 of the interior, so the second sentence reads, "As we  
22 entered the wing of the building where the GNETS  
23 classrooms are located, we saw water damage and a hole in  
24 the ceiling. Each ceiling vent in the hallways,  
25 bathrooms and classrooms were covered -- was covered in

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1 and surrounded by thick -- thick black dust."

2 Do you agree with that statement?

3 A Yes.

4 Q In the next sentence, it reads, "In one of the  
5 first classrooms we entered where students were present,  
6 the ceiling was buckling and warped, particularly so  
7 within a foot of where countless live electrical wires  
8 were routed in clumps into the ceiling."

9 Do you agree with this statement?

10 A I don't -- I don't recall that -- that  
11 specifically, but again, I'm not contesting it. I just  
12 don't recall that particular portion.

13 Q The letter then goes on to state, "The boys and  
14 girls restrooms utilized by the GNETS students nearest to  
15 their classrooms - and the hallway outside of where they  
16 are located - reeked of sewage, were filthy and had  
17 deteriorating equipment. In the boys restroom, one of  
18 three toilets had no partition whatsoever surrounding it,  
19 while the other two toilets had dilapidated stall  
20 partitions that were pulling away from the wall and stall  
21 doors that would not close or lock."

22 Do you agree with this characterization of the  
23 restroom?

24 A Yes, I don't -- I don't know about the -- the  
25 sewage smell, but again, I'm not -- I'm not contesting



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1 it, but -- but the rest of that, yes.

2 Q Okay. Do you remember a smell when you were in  
3 the bathroom?

4 A Well, I mean, there's a smell in a lot of  
5 bathrooms. It's not attached, so I just -- I'm sure it  
6 smelled. I just don't remember the -- the sewage portion  
7 of it.

8 Q Okay. And based on your observations, did you  
9 have any other concerns about the condition of the  
10 interior of the building -- of the buildings?

11 A Yes, what's mentioned here.

12 Q Did you have any concerns beyond what's  
13 mentioned here?

14 A No, I think -- I think that captures it.

15 Q I know we were talking about the exterior  
16 earlier, but what -- what were your takeaways regarding  
17 whether these issues related to the interior of the  
18 building posed a risk to the health and safety of  
19 students in the building?

20 MS. JOHNSON: Form.

21 THE WITNESS: The -- the black mold in the --  
22 or whatever it was, and I don't know that it was that,  
23 but there was black around the air vents. Now, that --  
24 that is in some other schools, but -- over the years, but  
25 I don't -- but, yeah, that -- that was -- that was

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1 concerning, and the other things mentioned.

2 Q BY MS. HAMILTON: Okay. Did you conduct any  
3 class -- I'm sorry, did you participate in any of the  
4 classroom observations at the Horizon Academy facility?

5 A I did.

6 Q What were your takeaways regarding the quality  
7 of the instruction at the Horizon Academy facility?

8 MS. JOHNSON: Form.

9 THE WITNESS: Well, you know, with all things,  
10 it -- it varies. One class, students might be  
11 appropriately engaged with the teacher; and in another  
12 class, not so much. So it -- it just varied depending on  
13 the class.

14 Q BY MS. HAMILTON: With regard to the concerns  
15 about the facility, do you know if any action was taken  
16 to address those concerns after the site visit?

17 A I believe that was -- the person who took the  
18 lead on that was Pat Schofield, who is over buildings and  
19 facilities, and I believe he sent someone down to -- to  
20 look at it. I believe changes were made in -- in the  
21 restrooms, but I don't have any additional information  
22 beyond that.

23 Q Okay. And I'm just looking at some other parts  
24 of the letter here. It looks like you toured more parts.  
25 Here it says, "While touring the area used as a lunchroom

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1 and ad hoc music room, we saw numerous live cockroaches."

2 Do you agree with this statement?

3 A I remember -- I remember one or two  
4 cockroaches. I don't know if they were alive or not.

5 Q And then this last part here, "The bathrooms,  
6 locker rooms and adjacent hallways in this part of the  
7 facility were covered in a thick layer of dust and dirt."

8 Do you agree with this statement?

9 A I believe that's accurate.

10 Q I know that you were saying a moment ago that  
11 you believe Pat Schofield may have been looking into some  
12 of these issues, who is at the State Department of  
13 Education. Are students still being served in this  
14 facility this school year?

15 MS. JOHNSON: Form.

16 THE WITNESS: Yes.

17 MS. HAMILTON: I'm going to stop sharing my  
18 screen.

19 Q BY MS. HAMILTON: All right. I'm trying to get  
20 a general sense just with regard to the site inspections  
21 that you conducted, if there were any -- well, you'll  
22 see. I just have some specific questions about things  
23 that you may have seen at any of the sites that you  
24 visited. I'm just going to run through a few questions  
25 here.

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1 Did you visit any school-based GNETS program  
2 locations where GNETS students were in separate wings of  
3 buildings for their classes?

4 A I recall one that comes to mind. That doesn't  
5 mean that there is only one. That just means I -- I do  
6 recall -- I do recall one.

7 Q Okay. Which -- which program was that?

8 A I -- I don't recall the program. I think it  
9 was in Putnam County.

10 Q And you are saying that's the only program that  
11 you remember where GNETS students were in separate wings?

12 MS. JOHNSON: Form.

13 THE WITNESS: There -- there may be -- I'm  
14 trying to think of a more recent visit if -- in Rockdale.  
15 I -- I don't recall if that was -- if that entire hallway  
16 was students with disabilities or if there were a number  
17 of them, their classrooms grouped together. I don't  
18 recall, but I do remember there were a number of  
19 classrooms in the same area that -- and that -- now, that  
20 was one that there wasn't a GNETS at because they were in  
21 a --

22 Q BY MS. HAMILTON: When you say --

23 A -- a separate facility.

24 Q I'm sorry, say that again.

25 A That was the -- that was the Rockdale site.

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1 And from my understanding, I don't know that there's a  
2 GNETS there. I think their students may go to a -- they  
3 may go to a site-based -- or is that Rockdale? Hang on.  
4 Or was it Trion's?

5 It was the last one that we visited that day.  
6 I'm just -- I'm trying to think through. That wasn't  
7 Rockdale. I think it was the one after Rockdale. I  
8 don't recall exactly, but I know the site did not have  
9 a -- didn't have a GNETS there, and students were --  
10 there were a number of students with disabilities  
11 classrooms all in the same area, but again, I don't know  
12 if that was the entire hallway.

13 Q And is there anything that would help to  
14 refresh your recollection on the specifics?

15 A Looking at the calendar for that day to see  
16 what site that was.

17 Q Did you observe any school-based GNETS program  
18 locations where GNETS students used separate entrances  
19 from students in the general education environment?

20 A Yes.

21 Q Do you remember which ones in particular?

22 A I believe one in -- I believe it's Savannah.  
23 It's attached to a large, newer high school. There was,  
24 I believe, one of the -- the Elam -- one of the Elam  
25 facilities, I believe, that's attached to a high school.

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1           Those are the -- those are the two that are --  
2           that are -- that are coming to mind right off the top of  
3           my head.

4           Q     Okay. And is it possible that there are other  
5           facilities where students are using separate entrances,  
6           but you don't remember the details about them?

7           MS. JOHNSON: Object to the form.

8           THE WITNESS: It is possible.

9           Q     BY MS. HAMILTON: For the locations, the two  
10          locations that you did mention just now where GNETS  
11          students used separate entrances, did any of those  
12          entrances have medical -- not medical, excuse me -- metal  
13          detectors?

14          A     I think -- I think the one in Savannah had a  
15          metal detector, but it may not -- it may have been pushed  
16          to the side and not in use. The one in Elam, I  
17          believe -- I believe may have had a metal detector, but I  
18          believe so did the general -- the general ed high school,  
19          the entrance. But again, I could be wrong, but I do  
20          remember metal detectors.

21          Q     Okay. Did you visit any school-based GNETS  
22          program locations where GNETS students had separate  
23          playground equipment from the equipment used by students  
24          in the general education school setting?

25          MS. JOHNSON: Object to form.

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1 THE WITNESS: Yes, and -- and again, this  
2 doesn't mean this is all of them, but Columbia, I think,  
3 I believe that one is attached to an elementary school  
4 and has a separate playground area. And there may be  
5 more; I'm just not sure off the top of my head.

6 Q BY MS. HAMILTON: Did you visit any  
7 school-based GNETS program locations where the GNETS  
8 students ate lunch in their classrooms separate from  
9 students in the general education setting?

10 A I'm sorry, will you repeat that?

11 Q Sure. Did you visit any school-based GNETS  
12 program locations where GNETS students ate lunch in their  
13 classrooms separate from students in the general  
14 education setting?

15 MS. JOHNSON: Object to form.

16 THE WITNESS: Yes.

17 Q BY MS. HAMILTON: Which programs in particular?

18 A Again, I -- just one that comes to mind was in  
19 the North Georgia High School, but I think in that  
20 instance, the students had the choice of whether or not  
21 they wanted to eat with the general ed students or not.  
22 And also, this is -- some of this occurred during COVID,  
23 so in some instances, everybody was eating in their  
24 classroom. So I'm just adding that for context.

25 Q During your site visits, did you observe

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1 therapeutic services and supports being offered at each  
2 of the GNETS program locations?

3 MS. JOHNSON: Form.

4 THE WITNESS: Now, that's -- that's hard to  
5 answer, because if the question was specifically asked,  
6 then you might know, but there could be therapeutic  
7 supports and services that weren't happening at the time.  
8 Because again, we were only there for just a small  
9 portion of time.

10 Q BY MS. HAMILTON: Would you observe high levels  
11 of student engagement across all of the GNETS program  
12 locations that you visited?

13 MS. JOHNSON: Form.

14 THE WITNESS: No.

15 Q BY MS. HAMILTON: Okay. Were there any  
16 particular programs that stood out to you that were  
17 either -- that were good examples of providing  
18 instruction that resulted in high levels of student  
19 engagement?

20 MS. JOHNSON: Form.

21 THE WITNESS: Well, as a -- just as a general  
22 rule, the classrooms where teachers were either up doing  
23 direct instruction or in some cases sitting down in small  
24 groups with the students or in some cases one-on-one  
25 instruction with students.



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1 Q BY MS. HAMILTON: Okay. And I guess the  
2 reverse of that, what would it have looked like to see,  
3 like in a program that would have had low levels of  
4 student engagement, what would that have looked like?

5 MS. JOHNSON: Form.

6 THE WITNESS: Students disengaged, not paying  
7 attention. Solely computer-based instruction, yeah.

8 Q BY MS. HAMILTON: Do you remember, I guess,  
9 like specific program names where you saw high levels of  
10 student engagement, taking what you just said into  
11 account?

12 A No, because again, we might go into ten  
13 different classrooms at varying levels, and then, you  
14 know, head to the next site, so it -- I mean, if I went  
15 into a general ed school and did observations, I would  
16 expect, you know, there's a variety of levels of  
17 engagement, so -- but -- but it's hard -- it's hard for  
18 me to recall that program, you know, and that teacher,  
19 because again, there were so many classrooms that we --  
20 we went into.

21 Q And were there any specific programs where you  
22 consistently saw low levels of student engagement?

23 MS. JOHNSON: Form.

24 THE WITNESS: Well, I mean, again, just as a  
25 general rule, if all of your instruction is primarily on

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1 a computer, then just typically, that doesn't provoke a  
2 lot of student engagement. So typically, if there is  
3 student engagement, the teacher is actively involved, or  
4 there's a project of some sort that the kids are involved  
5 with.

6 Q BY MS. HAMILTON: And I know earlier we were  
7 talking about the condition of the facilities at the  
8 Horizon Academy Valdosta site. Were there any other  
9 GNETS program locations where you had concerns about the  
10 condition of the facility?

11 A Give me a minute, if you will.

12 Q Sure.

13 A Nothing -- nothing comes to mind with, you  
14 know, the condition of the facility that -- that's  
15 standing out with me. Yeah, I'm just trying to think  
16 through. I -- I can't recall off the top of my head  
17 something that's sticking out.

18 Q Is there anything that would help you remember  
19 if there were particular facilities that stood out due to  
20 the quality of the facility?

21 A I would -- I would just have to go back and  
22 think through the -- think through the visits. Nothing  
23 on hand that -- that would jog my memory.

24 Sorry, I'm -- I'm trying to think through. I  
25 can't think of anything right this second.

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1 Q Are you familiar with the term "seclusion  
2 rooms"?

3 A Yes.

4 Q What are seclusion rooms?

5 A Well, they are not supposed to exist. They're,  
6 hopefully, an antiquated practice where children would be  
7 put by themselves and isolated.

8 Q Okay. Are there any particular markers that  
9 would identify a room as a seclusion room?

10 MS. JOHNSON: Object to form.

11 THE WITNESS: Well, that's a little -- that's a  
12 little difficult, because I know some rooms are -- are  
13 larger and used for -- you know, according to what the  
14 GNETS facilitators have shared, they are used for, you  
15 know, timeout. But I think the marker would be a -- a  
16 small room that has a -- has a door that potentially  
17 locks. But again, those are not supposed to be in  
18 existence.

19 Q BY MS. HAMILTON: And when you say they are not  
20 supposed to be in existence, is there a particular rule  
21 or a policy to that effect?

22 A Our seclusion and restraint rule.

23 Q And is that a board rule?

24 A Yes.

25 Q During your participation -- sorry. During

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1 your participation in the United States site visits, did  
2 you visit any GNETS program locations where you observed  
3 seclusion rooms?

4 A There was a -- I believe it was Savannah, their  
5 elementary and middle school facility had, I believe, two  
6 rooms that would have potentially met that criteria and  
7 may have at one point prior to the board rule been used  
8 for that purpose. They -- I don't believe they have -- I  
9 don't believe they have doors. There may have been three  
10 at that facility.

11 And I think you mentioned earlier about someone  
12 mentioning taking a picture, telling me to take a  
13 picture. I think that was what -- one of the more recent  
14 sites where your expert had taken a picture where there  
15 was a large room, and at one point, possibly before the  
16 board rule, that may have been used as a seclusion room.  
17 But the -- the door had been removed, and we were told  
18 that it was no longer used for that purpose.

19 Q Okay. And I don't know if this helps, but when  
20 I mentioned that earlier, it was in connection with the  
21 Tri-City High School GNETS facility.

22 A Okay.

23 Q Do you recall if that's the one that you are  
24 thinking of?

25 A Do you have a date for that? Was it a more

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1 recent visit?

2 Q It would have been the North Metro during the  
3 May -- late April, early May site visit of this year.

4 A I don't -- I'm not too sure. May sounds too  
5 far -- May sounds too far back, so I -- I'm not sure on  
6 that one. I'm not sure on that one.

7 Q The one that you remember, are you thinking  
8 that's more in the time frame of the last month or so?

9 A The last month or two.

10 Q Okay. Are there any other GNETS program  
11 locations where you either observed seclusion rooms or  
12 rooms that had the potential markers that it could have  
13 been a seclusion room?

14 MS. JOHNSON: Form.

15 THE WITNESS: You know, again, it's hard --  
16 it's hard to tell because, you know, we don't run them,  
17 so we are going by what the director is telling us.

18 I know that Rutland Academy upstairs, I think  
19 had one or two rooms upstairs; that they're large rooms  
20 and they've got -- and I believe they called those  
21 "cool-down rooms." And a number of these facilities have  
22 areas where, you know, whether they are de-escalation  
23 rooms or things of that nature. But when the question is  
24 asked, you know, we're always told that they're -- they  
25 don't do that and it's not used for that purpose.

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1 Q BY MS. HAMILTON: Okay. And I guess for the  
2 two rooms that you mentioned in Savannah that have --  
3 looked like they could have potentially been seclusion  
4 rooms, did the director indicate what those rooms were  
5 used for?

6 A It's -- it's been a while. I'm trying to think  
7 back. I believe he said that it's -- it's used for kids  
8 to sort of calm down, yeah. And because then I think the  
9 expert had said something about making it more visually  
10 appealing for children so that it doesn't resemble a  
11 seclusion room.

12 Q Okay. All right. I'm going to ask you about a  
13 few more specific GNETS programs that you visited. I  
14 know we were talking about Horizon Academy in Valdosta  
15 earlier; and as you had noted, there was a second Horizon  
16 Academy facility that we visited, and it was the location  
17 at Moultrie, M-o-u-l-t-r-i-e.

18 Do you recall that visit?

19 A I mean, it's not sticking out in my -- it's not  
20 sticking out in my head.

21 Q And I don't know if this helps at all, but it  
22 took place on Friday, October 28th, of this year.

23 A Okay. It's not sticking out, but, I mean, I'll  
24 do the best I can to answer your questions.

25 Q Okay. That's fine. And just let me know if

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1 you don't remember.

2 But that visit, I'm trying to confirm what type  
3 of GNETS program you would have seen. Was that a  
4 center-based or a school-based GNETS program?

5 A I'm just not -- I'm not -- I'm not recalling  
6 that particular site. It's -- it's just not sticking out  
7 with me, I'm sorry.

8 Q Okay. And I guess just to confirm, you are not  
9 recalling the site. Do you remember visiting it, just  
10 you don't remember details about it, or you don't  
11 remember the visit?

12 A Yeah, I just don't -- I think it was at the end  
13 of a -- yeah, I don't -- that particular site is just  
14 not -- not standing out in my mind.

15 Q All right. I want to return back to the Sand  
16 Hills GNETS program, program visits that were conducted  
17 in May. So one of the sites that we visited was the  
18 Tubman Education Center. This is the site where you gave  
19 the example about the incident when the teacher was using  
20 the restorative circle.

21 What were your impressions of the condition of  
22 the facility?

23 A It's an old, I believe high school building. I  
24 mean, nothing really -- nothing stood out in particular  
25 regarding the condition of the building at that site.

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1 Q And I know we talked a bit about the -- the  
2 incident that you observed. Did you have any other  
3 observations regarding the quality of instruction at that  
4 particular location?

5 MS. JOHNSON: Form.

6 THE WITNESS: I know what -- but I think -- I  
7 think de-escalating and therapeutic supports are -- are  
8 important to keep -- keep kids engaged, so... But yeah,  
9 that's... Yeah.

10 Q BY MS. HAMILTON: And the Sand Hills GNETS  
11 program had two locations. We also visited the first  
12 location in Thomson.

13 A Yeah.

14 Q What were your impressions of the condition of  
15 the Thomson facility?

16 A I'm -- it's an old building that could probably  
17 use some maintenance and upkeep.

18 Q Were there any particular -- were there any  
19 particular things that you observed about the facility  
20 that could benefit from maintenance and upkeep?

21 A Yes. I -- I just -- one of the rooms, I  
22 remember, was -- seemed to be an issue with the  
23 air-conditioning unit, the exterior, you know, the  
24 general upkeep, and then access to services.

25 Q And what do you mean by "access to services"?



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1 A A playground, a gym. I don't know that there  
2 was a -- a library there. I don't know that there was a  
3 cafeteria there. Yeah.

4 Q Okay. And relatedly, did you have any concerns  
5 about the quality of the instruction that you observed?

6 MS. JOHNSON: Form.

7 THE WITNESS: Nothing -- nothing's standing out  
8 in particular regarding the -- regarding instruction,  
9 that I can recall at this time.

10 Q BY MS. HAMILTON: Okay. And I know if we  
11 continued going through every single program you visited,  
12 we would be here for many more hours, so I'm going to  
13 transition from that. But just as a wrap-up, based on  
14 your observations while visiting all of these GNETS  
15 program locations, what recommendations would you make,  
16 if any, to improve the GNETS program?

17 MS. JOHNSON: Form.

18 THE WITNESS: I mean, in a perfect world, a  
19 great deal of therapeutic support, transitioning back as  
20 much as possible to a general education setting,  
21 wraparound services for the child and for the family.  
22 You know, access to -- access to -- to everything that a  
23 general ed student would have so that these children have  
24 good quality school experience.

25 MS. HAMILTON: Okay. And I want to pause just

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1 to do a quick time check. Patrick, can you let us know  
2 how long we've been going?

3 THE VIDEOGRAPHER: We are pushing six and a  
4 half hours at this point.

5 Q BY MS. HAMILTON: All right. Ms. Owen, I want  
6 to transition now to talk a bit about funding and budget  
7 responsibilities that you have as deputy superintendent,  
8 particularly as it pertains to GNETS.

9 In the Governor's budget each year, GNETS has a  
10 line item, correct?

11 A Correct.

12 Q How much did GNETS receive for the current  
13 fiscal year total?

14 A I don't have exact in front of me, but it was  
15 approximately 53 million in state funds, 7.3 million in  
16 federal funds. Around 900,000 in -- that went to the 11  
17 sites for additional therapeutic support. Around 92,000  
18 for i-Ready to support math and English language arts  
19 instruction. And then I believe through ESSER, we  
20 received a three-year grant that may be around 3 million  
21 total that was specifically designed for a three-year  
22 increment; 60,000 a year going to the 24 GNETS facilities  
23 specifically and only for therapeutic supports and  
24 services.

25 And I believe that we received -- when the

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1 budget cuts came originally, I believe in 2020, when we  
2 were talking about the 10 percent decline earlier, I  
3 believe we received maybe 6 million -- I don't have the  
4 board item in front of me -- for -- to make up the  
5 difference of the 10 percent cut that we were -- we were  
6 looking at, that went out by an allocation similar to the  
7 methodology used for the preliminary allocations.

8 So that's -- and I may be missing something,  
9 but I -- I think that's primarily -- I think that's  
10 primarily it.

11 Q Okay. Particularly for the state and federal  
12 allotment, you mentioned 53 million for state, 7.3  
13 million for federal, so is that accurate to say that from  
14 the state grant and the federal funds, that that's around  
15 60 million that they received this school year?

16 A Yeah, around there.

17 Q Okay. And I know you mentioned the budget  
18 cuts. What's been the range of the GNETS total state and  
19 federal allotments over the last few years?

20 A It's been in that -- in that range. I think  
21 three years ago there was a -- there was a drop. There  
22 was actually a -- there's been a decline. I think a  
23 couple of years ago it was almost at 70 million, then it  
24 went to 60 million. Again, I don't have the board item  
25 in front of me, but then I noticed a notable drop, and so

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1 I -- I did ask Vickie about that, just as a board item  
2 topic, and she said that it was due to the -- the  
3 reduction in GNETS students, and that's what impacted  
4 that overall decline in funds. But it's been lower the  
5 last several years than it was five years prior.

6 Q Okay. And I know earlier you mentioned the  
7 reduction in GNETS students as well, and you mentioned  
8 one of the reasons for that was the training and  
9 messaging that had been provided to LEAs to look more  
10 closely at the continuum of services to ensure students  
11 are truly in their LRE.

12 What training and messaging were you referring  
13 to?

14 A I -- I think after -- well, I mean, that's been  
15 our messaging all along, that the -- you have to ensure  
16 that there is continuum services, because it truly has to  
17 be the child's least restrictive environment, and the --  
18 and essentially keeping them out of residential treatment  
19 facilities.

20 But I think probably the impetus behind that  
21 also was, I believe after the DOJ letter, I believe that  
22 Nakeba Rahming and Alexa Ross, I think they had gone out  
23 and were actually going through IEPs and -- and looking  
24 at a much deeper level at that. So I'm sure that was  
25 probably their messaging. It's certainly been our

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1 messaging as well.

2 Q And by -- when you say going through IEPs, by  
3 doing so, is it your understanding that they were then  
4 identifying students who no longer needed to be served in  
5 GNETS?

6 MS. JOHNSON: I'm going to object to this  
7 question, to the extent it requires you to reveal any  
8 attorney-client privileged communications if Alexa was  
9 involved.

10 THE WITNESS: Okay.

11 MS. JOHNSON: But if you are able to respond  
12 without revealing any privilege.

13 THE WITNESS: And I really, I can't answer. I  
14 don't know the specifics of that.

15 Q BY MS. HAMILTON: Okay. And then I know  
16 earlier when we were talking, you mentioned earlier that  
17 there was a high amount of anxiety and concern among the  
18 GNETS directors when the possibility arose about the  
19 change in the funding stream for GNETS.

20 What was your understanding of the reason for  
21 their anxiety and concern?

22 A Well, just like any program where anybody  
23 running -- you know, if you were a school building  
24 leader, you need to know your budget so that you can  
25 plan. And the bulk of it goes to hire staff, and staff

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1 wants to know if they are going to have a position  
2 available or if they need to seek employment elsewhere.  
3 But, you know, a lot goes into -- a lot of early planning  
4 has to go into running a program or running a school,  
5 either way.

6 Q Was it your understanding that the GNETS  
7 directors were concerned that these changes in funding  
8 would have an impact on their ability to staff their  
9 programs and serve their students?

10 A Yes.

11 Q Based on your experience at the State DOE and  
12 with the GNETS program in general, do you think that the  
13 GNETS students' needs could be served, or if they could  
14 still be served if the funding formula for GNETS shifted  
15 from a line item in the state budget to the QBE formula?

16 MS. JOHNSON: Object to form.

17 THE WITNESS: Well, as long as there's funding  
18 there to support the needs of -- of the students, then  
19 they should be able to be served. It's not as though the  
20 funding is, you know, going away completely. It would --  
21 it's just changing the way in which it's allocated out to  
22 the LEAs.

23 Q BY MS. HAMILTON: Based on your experience at  
24 the State DOE and with the GNETS program, do you  
25 anticipate that if there were a change in the funding of

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1 GNETS from a line item to the QBE structure, that it  
2 would have a negative impact on the GNETS program in any  
3 way?

4 MS. JOHNSON: Form.

5 THE WITNESS: You know, that -- it's hard for  
6 me to answer that because, one, it's been done this way  
7 for so long. I really -- it's hard for me to -- to -- to  
8 say. But the main thing is the students receiving the  
9 funding they need for the -- for their support, and that  
10 ultimately resides with the LEAs, regardless of how --  
11 whether it's administered through a program or within the  
12 LEA itself, it still -- the LEAs still have the  
13 responsibility to fight for these children.

14 Q BY MS. HAMILTON: Okay. And I know earlier you  
15 said the General Assembly and the Governor's office, that  
16 they are the ones who ultimately make these decisions  
17 about the -- like how GNETS gets funded. If you were in  
18 control and could decide the manner through which GNETS  
19 could be funded, whether that be the line items in the  
20 current form or using the QBE structure, is there a  
21 particular method that you would choose?

22 A You know, I -- I really -- I don't know. I  
23 know I keep saying it, but honestly, I just -- at the end  
24 of the day, I just want to make sure these kids, yeah,  
25 that their needs are met.

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1 Q Okay. And is there any reason to think that  
2 there would be a decrease in the GNETS funding provided  
3 to the program if the structure switched from a line item  
4 in the state budget to the QBE structure?

5 MS. JOHNSON: Object to form.

6 THE WITNESS: That's hard to speculate, but,  
7 you know, I think that -- I think that they're aware that  
8 students need additional support and that it cost money,  
9 and I -- I think they're just looking to support the  
10 students, you know, one way or the other. But -- but  
11 it's hard to speculate on that.

12 MS. HAMILTON: Okay. Patrick, I want to do  
13 another time check. Can you let me know exactly how much  
14 time we've been on the clock?

15 THE VIDEOGRAPHER: Yeah. I show seven hours  
16 occurring at 5:09 p.m., if that helps.

17 MS. HAMILTON: At 5:09, okay. Thanks.

18 I'd like to take a five-minute break, and then  
19 we can reconvene.

20 MS. JOHNSON: Is five long enough? Do you need  
21 more?

22 THE WITNESS: Yeah, that's fine.

23 THE VIDEOGRAPHER: Okay. We will go off the  
24 record at 4:52 p.m.

25 (The deposition was at recess from 4:52 p.m. to



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1 5:01 p.m.)

2 THE VIDEOGRAPHER: We are back on the record at  
3 5:01. Please proceed.

4 Q BY MS. HAMILTON: Ms. Owen, I'm just going to  
5 ask you a few other questions about other things related  
6 to the GNETS program. Are you familiar with the GNETS  
7 strategic plan?

8 A Yes.

9 Q Okay. And what is the strategic plan?

10 A It's a -- it's a six-part plan that the GNETS  
11 facilities have to complete every year and then evaluate  
12 that, and then it also ties into their budget. So they  
13 are looking at six different areas, and then providing  
14 evidence of whether it's operational or emergent or  
15 nonexistent.

16 Q Okay. What are those six areas?

17 A It's leadership and accountability. It's  
18 therapeutics and behavioral support. It's academic  
19 instruction. It's financial and fiscal management. It's  
20 engage -- I know this isn't exactly, but engagement with  
21 community support and parent is, I think, one of them.  
22 And then the last one is the actual fiscal -- physical  
23 structures.

24 Q And what role, if any, does the strategic plan  
25 play with regard to the funding for the GNETS program?

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1 In other words, is it used in any way to determine  
2 whether the programs are complying with their  
3 requirement?

4 MS. JOHNSON: Object to form.

5 THE WITNESS: Yes. So it's part of about 20  
6 different pieces and documents that have to be provided  
7 as part of the application process before the -- they can  
8 receive the funding, and then it's also used to sort  
9 of -- like with any grant, you have to evaluate the  
10 program and the effectiveness of the program that you are  
11 running. So it's sort of used in that -- in that way so  
12 that they can continue to reevaluate and self-assess and  
13 make changes as needed and sort of decide on what their  
14 priorities are for that upcoming year based on that needs  
15 assessment.

16 Q BY MS. HAMILTON: Have you been involved in any  
17 of the changes to the strategic plan process?

18 A No. That was done, I think, in 2020, about the  
19 time I came on. I can't remember exactly, but I was not  
20 involved in that.

21 Q Okay. And there was -- I want to return back  
22 to, let's see, I believe it was Plaintiff's Exhibit 701  
23 (sic). I will put this back up on the screen.

24 So on the screen I'm sharing the document that  
25 we previously introduced as Plaintiff's Exhibit 701

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1 (sic). And this was the e-mail from Vickie Cleveland to  
2 you, Ms. Owen, and Zelphine Smith-Dixon, that had a  
3 weekly agenda. And I wanted to turn back to this weekly  
4 agenda item for strategic plan reviews and ask you a few  
5 quick questions here.

6 One of the things that Ms. Cleveland had noted  
7 here at the top, she had said, "Discuss strategic plan  
8 rating change with Zel and Shaun."

9 And I wanted to see if you could explain what  
10 she was referring to when she referenced a "strategic  
11 plan rating change"?

12 A I -- honestly, I don't -- I don't recall. I  
13 don't know what it was prior. And again, this is one of  
14 a bunch of other items on there, so probably this would  
15 be something, I'm sure, that she might have worked with  
16 Zel on and maybe mentioned it. And I'm not saying that  
17 she didn't. I'm just saying that that conversation from  
18 two years ago does not stand out in my mind.

19 Q And then a little further down, she mentions  
20 here, "Eight GNETS scheduled for reviews for FY21; do we  
21 need to consider putting them all back into rotation?"

22 Were you aware that --

23 A Again --

24 Q No, go ahead.

25 A No, no, I'm sorry. I interrupted.

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1 Q Yeah, I guess, I'm, first of all, just curious  
2 if you were aware that the GNETS program switched from  
3 doing reviews, like including like site visits for all of  
4 the GNETS programs, and shifted to just doing it for a  
5 select number during this time frame?

6 A Well, you know, just for context, we shut down,  
7 period, with the site visits. So we used to in federal  
8 programs travel extensively. And for the most part, for  
9 almost two years, we were doing very, very little  
10 traveling actually across the entire agency.

11 So I don't -- and I don't know if that's a  
12 direct impact of that. I'm not sure. I know that  
13 Vickie, you know, said that they were trying to  
14 streamline processes, so anyplace they could, if they  
15 could put things, you know, in the grant application so  
16 that they weren't being redundant with the work that they  
17 were requiring of the GNETS. So I know that was one of  
18 the focuses.

19 But she does meet with -- like this strategic  
20 plan, they are doing -- she's doing end-of-the-year  
21 wrap-ups this year, where they've gone through and she's  
22 met with all 24 sites to -- to review, you know, their  
23 information, everything that's -- that they've been  
24 working on.

25 Q To the extent that changes are made to the

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1 review process, would you be part of that decision-making  
2 process?

3 A You know, typically -- typically I -- at my  
4 level, I wouldn't. I would see it in some cases,  
5 depending on I might review it. I am obviously more  
6 involved with this program due to the ongoing litigation,  
7 but -- but typically, that would be something that the  
8 program manager, the specialist, with input from the LEAs  
9 or the GNETS would be working on in conjunction with  
10 their director.

11 Q Have you ever participated in one of the  
12 strategic plan reviews alongside Ms. Cleveland in one of  
13 the GNETS programs?

14 A No, not that I can -- no, not that I can  
15 recall.

16 Q Okay. All right. Switching gears, the  
17 question I have for you with regard to interagency  
18 collaboration, do you collaborate with or work with any  
19 of the officials at -- let me stop sharing.

20 MS. HAMILTON: Okay. Let's see. All right. I  
21 see a message saying that was Exhibit 702, and I do not  
22 have -- I noted in my notes that that was 701. I don't  
23 know, Marcie, if there's a way that you would be able to  
24 double-check.

25 THE REPORTER: Let me search for 702.

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1 MS. HAMILTON: Okay. So that should be what I  
2 was sharing a moment ago. So if I can, again, just  
3 correct on the record that that last document that was  
4 shared was previously marked as 702, not 701. Great.

5 Q BY MS. HAMILTON: And then, Ms. Owen, I was  
6 about to ask you if you ever collaborated with any of the  
7 officials at the department -- sorry, at DBHDD in  
8 connection with the GNETS program?

9 A I recall Dr. Smith-Dixon would have meetings  
10 with DBHDD. I sat in on a couple of those meetings. I  
11 don't -- I don't recall anything specific to GNETS as  
12 part of those.

13 Q Okay. To the extent that Zelfine Smith-Dixon  
14 was meeting with individuals at DBHDD and that you sat in  
15 on those meetings, what was the subject matter at those  
16 meetings?

17 A It's been a -- it's been a couple years ago,  
18 and I -- I really -- I don't recall off the top of my  
19 head, just because it was one of many, many meetings that  
20 we've had.

21 Oh, one thing I do recall is just the -- the  
22 ability for more step-down facilities within the state of  
23 Georgia relative to the residential treatment facilities,  
24 where a number of our students are outside of state. So  
25 more opportunities for step-down facilities within the

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1 state of Georgia is the primary thing that I recall.

2 Q Is GNETS considered a step-down facility?

3 MS. JOHNSON: Object to form.

4 THE WITNESS: I mean, not in the eyes of how --  
5 how I think they were discussing it, which is,  
6 essentially, a transition more -- I think they may be  
7 looking at it more as somewhat of an, also, residential,  
8 where there's a -- possibly a living component to that.  
9 Whereas, GNETS does not have that.

10 But I believe it's -- it was -- it was more  
11 along those lines, to actually help kids transition back  
12 to their home environment.

13 MS. HAMILTON: Okay. Patrick, can you do one  
14 more time check, please?

15 THE VIDEOGRAPHER: Sorry there. My buttons  
16 weren't working.

17 Yeah, I show at seven hours occurring in about  
18 four minutes.

19 MS. HAMILTON: In how many minutes? I'm sorry,  
20 I didn't hear you.

21 THE VIDEOGRAPHER: Four minutes.

22 MS. HAMILTON: Okay. Thank you.

23 Q BY MS. HAMILTON: All right. And Ms. Owen, my  
24 last question about your communications with DBHDD, have  
25 you had any communications with the agency with regard to

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1 increasing service -- I'm sorry, increasing the  
2 availability of therapeutic and behavioral health  
3 services for students with disabilities in Georgia?

4 A So I -- I have not had those discussions. I  
5 know that there was discussions around Apex and it being  
6 more pervasive throughout GNETS, but then from my  
7 understanding, the stance was that it would be a  
8 redundancy of services because Apex serves the LEA, and  
9 the LEA, the children ultimately are part of that, that  
10 LEA.

11 But that's the only -- you know, that's the  
12 only discussion that I know of relative to that. That's  
13 not to say there weren't some. I just was not part or  
14 privy to that.

15 Q Okay. And who else was part of the discussion  
16 that you just mentioned about Apex?

17 A Again, I -- I think that may have been  
18 Dr. Smith-Dixon.

19 Q Okay. And what would have been the time frame  
20 for when that discussion occurred?

21 A That one I -- that one I don't really know.

22 Q Okay. I guess, just roughly, are you -- was  
23 that a discussion that occurred in the last month -- last  
24 few months, or is it a discussion from a few years ago?

25 A No, because Dr. Smith-Dixon has been -- she's



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1 been gone maybe a year now from the -- from the DOE, so  
2 it would have been earlier. And again, if she was the --  
3 more than likely that would have been the contact person  
4 for something of that nature.

5 Q Okay. So a few years ago when Dr. Smith-Dixon  
6 was in her position as a state director?

7 A I believe.

8 MS. HAMILTON: Okay. So switching gears, I  
9 would just like to note for the record that the United  
10 States has requested Ms. Owen's notes and photographs of  
11 site visits in discovery. The State has objected to  
12 producing those notes and photographs on the grounds that  
13 they are privileged. Subject to any additional questions  
14 that the United States may have, should the privilege  
15 asserted by the State be overcome or otherwise changed,  
16 we have no further questions at this time.

17 MS. JOHNSON: And I don't have any questions.

18 THE VIDEOGRAPHER: Okay. If I can just confirm  
19 orders before we go off the record. Plaintiff would like  
20 the transcript and synchronized video, correct,  
21 Ms. Hamilton?

22 MS. HAMILTON: Yes, consistent with our  
23 standing order.

24 THE VIDEOGRAPHER: Okay. And the same thing  
25 for the defense, Ms. Johnson?

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1 MS. JOHNSON: No, we just need the transcript.  
2 No video.

3 THE VIDEOGRAPHER: Okay. Very good. If there  
4 is nothing else for today's record, we'll now go off the  
5 recorded at 5:18 p.m.

6 (The deposition concluded at 5:18 p.m.)  
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## CERTIFICATE OF REPORTER

STATE OF GEORGIA     )  
                                  )  
COUNTY OF DEKALB    )

I, Marcella Daughtry, a Certified Reporter in the State of Georgia and State of California, do hereby certify that the foregoing deposition was taken before me in the County of DeKalb, State of Georgia; that an oath or affirmation was duly administered to the witness, SONIA SHAUN OWEN; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting; that the transcript is a full, true and accurate record of the proceeding, all done to the best of my skill and ability;

The witness herein, SONIA SHAUN OWEN, has requested signature.

I FURTHER CERTIFY that I am in no way related to any of the parties nor am I in any way interested in the outcome hereof.

IN WITNESS WHEREOF, I have set my hand in my office in the County of DeKalb, State of Georgia, this 21st day of December, 2022.



Marcella Daughtry, RPR, RMR  
GA License No. 6595-1471-3597-5424  
California CSR No. 14315

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3 DECLARATION UNDER PENALTY OF PERJURY

5 I declare under penalty of perjury that I  
6 have read the entire transcript of my deposition taken in  
7 the above-captioned matter or the same has been read to  
8 me, and the same is true and accurate, save and except  
9 for changes and/or corrections, if any, as indicated by  
10 me on the DEPOSITION ERRATA SHEET hereof, with the  
11 understanding that I offer these changes as if still  
12 under oath.

14 Signed on the \_\_\_\_\_ day  
15 of \_\_\_\_\_ 20\_\_.

19 \_\_\_\_\_  
20 SONIA SHAUN OWEN

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SONIA SHAUN OWEN